

**Column Two:  
Dan Rather and the President**

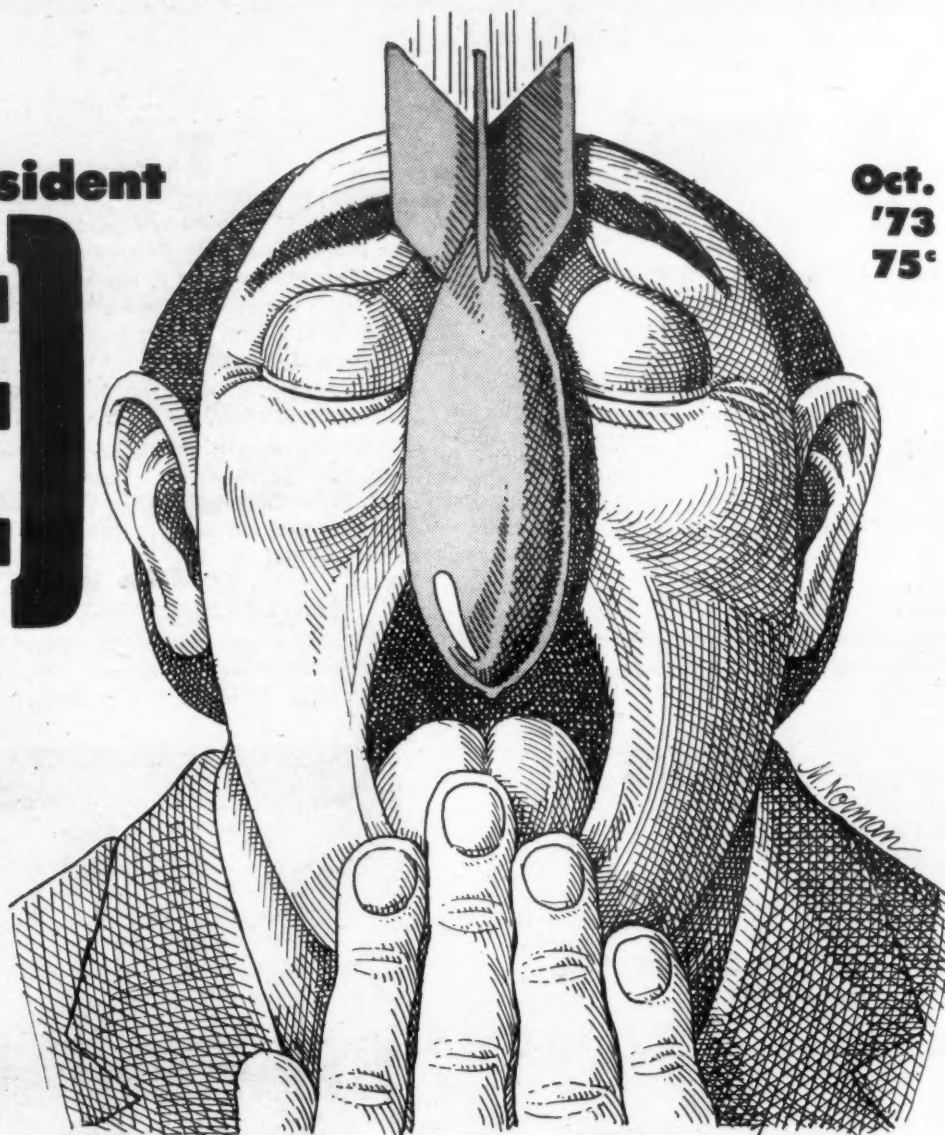
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**Oct.  
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## **The Scandal That Got Away**

BY TAYLOR BRANCH

It is a safe bet that the secret bombing of Cambodia will fail as a scandal. No one will go to jail. No one will lose his job. No one will cry out about the unanswered questions like what did he know and when did he know it. No general will be summarily drummed out of the Air Force for falsifying records, as was Lavelle. No civilian honcho in the Nixon Administration will sneak out of office on some pretext of an honest excuse. No senators will become so famous for protecting the people that the papers will feel obliged to run big features on their eating habits and how they spend a day at home with the folks. And no reporter will make his reputation for dogged pursuit of the facts, or vindicate the honor of the media by showing that the courageous truth can make a president blink.

All this is true, even though Plato or Walter Lippmann could make a pretty good classroom case that the secret bombing is more ominous and deserving of our attention than Watergate. After all, the Watergate break-in was an intelligence operation that occupied perhaps one per cent of Jeb Magruder's time. It is reasonable, even for those who lust after Nixon's scalp, to suspect that the bugging plot did not receive the high level attention that a truly evil, momentous scheme deserves—that no one would have raised the roof if Gordon Liddy had slinked back with his motley strike force to report that it was too risky. In Cambodia, on the other hand, the President himself ordered the chairman of his Joint Chiefs half a dozen times to make sure that no one learned of 3,630 secret B-52 raids that would drop 100,000 tons of bombs on an officially neutral country. Right there in the National Security Council meeting, Nixon scared all the highest officials in his

*Taylor Branch is a contributing editor of Harper's magazine.*

**By any yardstick,  
the secret bombing  
of Cambodia in 1969  
is at least as grave  
an issue as  
Watergate. But once  
the facts were  
revealed, few in the  
press found them  
nearly as intriguing  
as Howard Hunt's  
red wig.**

government so bad that they rigged up a system to keep the bombing secret from almost everyone, including the Air Force Vice Chief of Staff. General Earl Wheeler, chairman of the JCS, swore to the Senate Armed Services Committee that he would have flatly lied to cover-up the bombing if the Secretary of the Air Force had asked him about it casually on the golf course.

The constitutional issues rise quickly out of the Watergate burglary, but in Cambodia you start with them. For openers, you have the President conspiring with the military to keep a new war hidden from the Congress, mocking the separation of powers to the extent that Congress was given classified documents showing that the Cambodian bombings took place in South Vietnam. For those who take civil-military relations seriously, you have

a whole military phalanx—generals, colonels, pilots, debriefers, radarmen, computer programmers—under strict orders to ignore regular military channels and respond only to secret orders from one immediate superior. Each man has to trust that the secret orders are legitimate, because he is forbidden to question them with anyone, lest he jeopardize the hidden network. The military apparatus for the bombing, in short, had all the ingredients of *Seven Days in May*, with the President in and the Congress definitely out.

Unlike the Watergate team, the operatives for the secret bombing did not bungle away their potential for harm. Thousands of irregular orders were obeyed like clockwork—as people falsified their records and burned their secret orders when they were supposed to, so that the B-52s could do their work without making any noise back home. When the American war in Cambodia ended in August amidst headlines telling of accidental bombings and civilian massacres, one could only guess whether similar accidents took place in 1969. No one could have known, because the Administration didn't talk and the press didn't snoop very hard.

Why was the bombing not discovered when it was going on, and why did the story die so quickly this year? Both B-52 strikes and elaborate lies are hard to conceal, so it is embarrassing for us in the press that the news did not explode in 1969. And the charges are so grave that it is more than puzzling why the full exposure of the facts did not even draw blood.

The first mention of the secret bombing occurred in *The New York Times* of May 9, 1969, where William Beecher cited "knowledgeable sources" as saying that American planes had "raided" several Vietcong and North Vietnamese

*(continued on page 17)*



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**T**hat little bow and scrape  
Dan Rather began with got his question off to a  
failing start. From there it worsened all the way to  
the end of the President's answer. Theirs was the  
big seven-minute scene to remember at the recent  
auto-da-fe in the San Clemente sun on the spread  
Bebe R. and Bob A. put together for the only  
commander-in-chief we have. I was not there. But  
I have gone over the transcript, checked with the  
CBS correspondent, talked with myself about the  
President and ended up with an exegesis which is  
sieve-tight but mine own. Anybody who won't see  
through the altercation my way is beyond the grasp  
of tendentious reasoning, though still fit to be high-  
placed in any of the White Houses, or White  
Heists.

*THE CORRESPONDENT: Mr. President, I  
want to state the question with due respect to your of-  
fice but also as directly as—*

*THE PRESIDENT: That would be  
unusual.*

## COLUMN TWO

BY JOSEPH RODDY

What would be unusual? Due respect from  
Rather. Or a Question from him that was direct? If  
due respect is the deserved kind, everybody I know is  
for it, and if that is all he wants, it is one more  
proof of the pragmatist in this President. As long  
as his Administration is an amusement, his  
lieutenants decked with indictments, and his own  
records under subpoena, the kicked around one in  
the Oval Office will be grateful for any show of  
concern more civil than calumny and the lobbed  
egg. Rather's been charged with neither. But since  
I have not followed all his moves nor heard every  
CBS word he has uttered, that case history stuff is  
between Rather and his recording angel and for his  
FBI file.

Mostly though, it's a mile and a quarter  
from the point. This was a case not for the archivist  
but for the grammarian. By the almost iron  
law of antecedents, what the President of the U.S.  
thought unusual was not that Rather was to speak  
with due respect, but that the White House  
correspondent for CBS would state a question that  
was direct. And right there inside the \$11,561.35  
fence around the San Clemente piece, was a case of  
how the President gets misunderstood by the press  
and t.v. While Rather thought he was having his  
manners deplored on all the networks, Nixon—you  
see—was just warming to the prospect of direct in-  
quiry. As the President spoke—his words, remember,  
were "That would be unusual"—he smiled broadly  
at first, then less broadly and finally not at all as  
Rather got on with the 217-word question he had  
on the tip of his tongue.

About then the Rather tongue may have felt  
like the Zeigler back had two days earlier in New  
Orleans when the receding minister of information  
just missed needing a whiplash brace for starting  
towards some holy entrance with the inky wretches.  
In San Clemente, it was Rather who was stirring  
the beast in the President's jungle. The questioner  
had promised to speak "as directly as possible"  
(he told me that's the word he was heading for  
(continued on page 20)

# [HELLBOX]

Rosebudsto WBAI's news director, Paul Fischer, 26,  
for providing his listeners with one of the best  
informed news programs in broadcasting. Fischer,  
who had been at WBAI since 1966, moved September 15 to Pacifica's Berkeley  
station KPFA. Fischer's newscasts and war summary  
on WBAI conveyed an uncommon literacy,  
seriousness and respect for the listener's in-  
telligence. Unlike most radio news reports,  
Fischer's events happened in the past tense.  
They had contexts. One never heard the "up-to-  
the-minute" barbarisms of all-news radio like  
"the White House says..." Official sources were  
not accorded automatic credibility (nor  
automatically denied it either). The Viet Cong  
(or NLF) were never The Enemy, but rather  
"rebel forces" or "insurgents". They were  
seldom The Communists, anymore than General  
Westmoreland's boys were The Capitalists. In  
addition, Fischer never quoted unnamed sources  
without informing the listener whose they were.  
Thus, "sources in Hanoi quoted by AFP  
correspondent Max Coiffait said today..." For war  
news, Fischer drew upon the Reuters and Agence  
France Presse wires as well as AP and UPI. The  
AFP dispatches, which Fischer translated from the  
French, provided the most complete war reporting  
on American radio. Fischer regularly scooped the  
networks, because AFP had correspondents on the  
ground—in Hanoi, Peking, the battle zones of Laos  
and Cambodia. Not until the very last days of the  
war did any other American news organization,  
including *The New York Times*, begin to take real  
advantage of AFP.

Fischer insisted on writing all his own  
copy, which could be as extensive as necessary,  
with no weather, no sports, no time checks, no  
accidents or fires, and of course, no commercials.  
Fischer's newscast was almost entirely rewrite—  
but rewrite raised to an exemplary art.

## Lucrative Linage

In early August, the *New York Post* became the  
newest subscriber to National TV Log, a service  
that places boldface advertising lines right where  
they are most likely to hit the eye of the television  
viewer—within a paper's own program listings.  
Although National TV Log has not been seen in  
New York City since the demise of the *World  
Journal Tribune* in 1967, the agency has not exactly  
been hurting for customers. The *Post* is the 217th  
subscriber on a list that includes papers in most of  
America's major cities.

There's really nothing surprising about the  
popularity of National TV Log. The papers like it  
because although their revenues are based on their  
customary line rates (\$3.21 per line for the *Post*),  
they are able to exploit space that would normally  
be financially worthless. "The listings are dead  
space," said Bert Moss, TV Log vice president and  
national sales manager. "Besides, they have to set  
their own TV logs anyway."

For these reasons, Moss calls the TV Log  
"the most lucrative line rate a newspaper has." The  
deal seems to be equally attractive to the networks,  
stations and sponsors who are buying space. They  
pay only \$4,872 for insertion in every one of the TV  
Log's subscriber papers and reach a total com-  
bined audience of 48.5 million. And apparently  
they get results. Moss says independent studies  
show consistently improved rating shares for a

(continued on page 21)



# Post-Industrial Crusaders Downeast

**As a sort of Whole Earth Catalogue of environmental and social concerns, the *Maine Times* week after week hacks away at the state's quaint lobster-buoy image, so cherished by other papers in the state.**

BY BRUCE PORTER

In the fall of 1968, a group of investors calling themselves the TEPCO Corporation tried to gain permission to build a combined aluminum refinery and nuclear power plant in the tiny coastal fishing village of Trenton, Maine. The town, across from Mount Desert Island about half way up the coast, has only 300 registered voters. And from the outset, TEPCO thought it would have little trouble getting the necessary zoning changes approved, mainly because the plant would bring an economic boom to the whole region—or so the company promised. There was a problem, of course, with environmental damage the refinery might cause to Blue Hill Bay. But considering that the state's 9 daily newspapers at the time paid about as much attention to ecological matters as they did to the game of chess (none, for instance, had an environmental writer, and for years the papers had all but ignored the air and water pollution spewed out by the pulp and paper companies), TEPCO's public relations men felt their press releases would go pretty much unchallenged.

An obstacle TEPCO had not counted on, however, was a brand new weekly called the *Maine Times*. A 36-page tabloid, the paper had just been started by John Cole and Peter Cox, who had come together after several years of editing small-town papers. Its \$75-a-month headquarters were on the second floor of a defunct red-brick bank in Topsham, a town of 2,700 people about 30 minutes northeast of Portland. It had a handful of subscribers gleaned from the roster of the University of Maine alumni, and its initial outlay of \$40,000 was barely enough, after paying for starting-up expenses, to hire one full-time reporter. Still, the *Maine Times* took it upon itself to sound the alarm. "Here was this tremendous green space at the top of the Boston-Washington megalopolis, and none of the people could see the dark clouds over the horizon," recalls Cole, 50, the editor of the paper and a transplanted New Yorker. "So what we wanted to do was to start warning people of what kind of disasters would happen if they didn't start doing something."

While the big dailies ignored the TEPCO affair as merely a local matter, Cole journeyed to Trenton to meet the dragon at the gates. First, the paper charged that the plant would change not only the nature of Blue Hill Bay, from recreational to industrial, but its very *color* as well. Aluminum is refined from a red dusty ore called bauxite. Bauxite would have to be brought in on ore ships; it would spill into the sea lanes, wash up along the shore and in the process make the bay look like a vat of rusty drain water. In response to TEPCO's vows that the plant itself would be clean, Cole disclosed that the same engineer who would do the Trenton job had designed a similar plant in Messina, N.Y., where fallout from the plant's smokestacks had moved local farmers to file lawsuits charging that their cows' teeth were falling out. In addition, the paper scoffed at the company's promises of jobs. Most work would go not to locals, Cole argued, but to graduate engineers and other technicians brought in from out of state. "The only jobs the locals would get," he said, "would be the peon work of sweeping out the place after everyone had gone home."

The *Maine Times* sent free copies to every

*Bruce Porter is a freelance writer who lives in Brooklyn and summers in Liberty, Maine.*

## MAINE TIMES MAINE TIMES cents 20

Volume 5, Number 47

August 24, 1973

Kung Fu  
in the north woods  
pp 14-15

### The great Katahdin marijuana bust



"The last thing in our minds was being busted in God's wilderness, and the sun-baked, stinking young men."

He shouldn't have been surprised. During the past two years, hundreds of people have been arrested in Baxter State Park for the possession of marijuana.

The park supervisor sees marijuana users as a danger he intends to remove.

(continued on page 2)



voter in Trenton and the company lost the zoning battle by two to one. Moreover, when TEPCO tried to peddle its plant elsewhere in the state, the paper loaded the newsstands with similar stories. "Every place they went, we followed," says Cole, "until they finally had to leave the state.\* It was real advocacy journalism in practice."

A better word for it might be "adversary" journalism, since the paper offered TEPCO space in which to reply (an offer TEPCO refused). But whatever its journalism is called the *Maine Times* has since shaken things up in Maine as they have never been shaken before. As a sort of Whole Earth Catalogue of environmental and social concerns, the paper has not only taken on the banks, the power company, the railroad, the paper companies, the oil refiners, the developers and other *betes noires* of the ecology movement, but it began dealing with other issues that seldom got written about in Maine before. It was the first to begin questioning the schoolmarmish attitudes governing the state's educational system. It wrote stories on the state's archaic mental institutions, its prison system, its impoverished woodcutters, potato pickers and subsistence farmers. Week after week it hacked away at the state's quaint lobster-buoy image, so cherished by other Maine newspapers and the tourist-oriented magazine, *Downeast*. "We just looked at the whole state as weekly editors look at the community," says Cole, who ran two other weeklies in the state before starting up the *Maine Times*. "Back then, we were interested in events, such as fires, police and high school basketball. Now we're interested in issues."

**D**ressed in border colors that range from pink and purple to yellow and orange, the *Maine Times* is really a cross between a newspaper and a magazine. It uses photographs of high quality made especially clear through the photo-offset process. When the paper runs a piece on fish dying in a stream, it shows pictures of fish that really look dead. You can see the paint peeling off the cornices of old farm houses or the rain water dripping from a nasturtium in a nature lay-out. Besides the work of Cox and Cole—Cox sees to getting the paper out, while Cole tends to its editorials and the crusading—the *Maine Times* gets its stories from a small collection of freelancers, mostly housewives and schoolteachers, and a paid staff of three young women, only one of whom had any newspaper experience before coming to Topsham. She is Lynne Langley, a 25-year-old ex-society reporter from West Palm Beach, Fla., who moved north with her husband, a former *Maine Times* contributor. The others are Lucy Martin, 24, from Orono, who joined the staff as a clerk-typist and stayed on to learn how to report, and a 21-year-old drop-out from Mankato State College in Minnesota, Sandy Gregor. Sandy, whose office attire usually consists of shorts and hiking boots, was originally hired to lay out the paper, but has since begun writing on a freelance basis. "She just showed up at our door last fall with a knapsack on her back," says Cox, "and now she's really turning into an excellent reporter."

The paper's stories are done mostly in the leisurely style of the 18th Century, with the lead material often foundering somewhere down around the eighth paragraph. And in the frenzy of weekly production—Cox spends a good deal of his time straightening out the rough prose of his amateurish staff—the *Maine Times* falls victim to at least its

share of errors. Recently, the paper ran a cover story on pollution in Maine rivers illustrated by a photograph of a waterfall. A week later, a reader wrote in to point out that that particular waterfall was not in Maine at all but in New Hampshire.

More often than not, though, the aprofessionalism of the paper gives its editors and reporters a kind of perspective that has been uncorrupted by the green eyeshade school of journalism found in many small town city rooms. For instance, when Lucy Martin went north this summer to do a story on Baxter State Park, she tried to reconstruct the natural history of Mount Katahdin itself. ("The process began with the collection of sediment in an enormous sea-filled depression on the earth's surface.") Lynne Langley, who acts as the paper's goad for stories about poor people, was the first reporter in the state to begin thoroughly covering the lowly trailer dwellers, a forlorn group of natives who along with being snubbed by conservationists as eyesores (the *Maine Times* did its own share of harrumphing in the beginning) also get ripped off regularly by dealers who sell them shoddy mobile homes. "We discovered," says Langley, "that people don't live in them because they like them. They live in them because they can't afford anything else."

Even the letters-to-the-editor column is filled with the kind of comments that on most papers would be consigned to the wastebasket. "We are not subscribers to your paper because of your abortion attitude," one woman from Bath wrote recently, "but I do read all your dining columns at the newsstand by leafing through the paper, and I enjoy them thoroughly—except for your fixation with mussels."

And when the *Maine Times* takes off after some environmental transgressor, it usually comes up with its own special editorial style. Its most recent battle started last spring when editor Cole just about single-handedly stalled a large oil refinery proposed by the Pittston Corporation for installation at Eastport, a coastal village at the top of Maine next to the Canadian border at New Brunswick. To keep the refinery going, the company would have to get eight giant tankers a week in and out of a narrow, winding channel called Head Harbor Passage which lies in Canadian waters. To allay fears that the tricky passage would increase the possibility of collisions and a disastrous oil spill, Pittston released elaborate details on how its captains could make the run with no risk.

The regular press dutifully reported on the toing and froing of the company and its critics, but Cole sat up late one night with his 19-year-old son Marshall and actually pitted all the company's charts and statistics and claims against the tides, the currents, the prevailing winds and the width and breadth of the channel. The result, published in the centerfold of the *Maine Times* that week, was the "Pittston Tanker Game," a board game in which Cole challenged readers to play ship captain and run the channel themselves (see opposite). It could not be done, of course, at least not without violating the company's own safety rules. One person who played the game was Jack Davis, the environmental minister of Canada, and he was so impressed with the impossibility of the task that he promptly issued a firm and final refusal to allow any oil tankers to pass through Canadian waters to get into the refinery. Even now, the Pittston company is still trying to beat the game—so far without success.

**F**or all its editorial success, the paper is still published in the same little bank building in

Topsham where it began, although quarters are so tight now that Cole and Cox are looking for a new building. They would like an old farm where the staff could try out wind-driven generators, non-polluting sewer systems, energy conversion systems, methane gas converters and other schemes the paper is continually urging on the state as a way of cleaning up the environment and saving on natural resources. In fact, the production of the paper itself represents the kind of post-industrial efficiency that the *Maine Times* has as its editorial touchstone. Once written, the stories are simply typed out on an IBM compositor rented for \$95 a month. Then they are laid-out with photographs on a photo-typewriter (\$37 a month) and sent off to the printer across the Androscoggin River in Brunswick. Total cost of publishing each issue is \$3,600, and the paper is rapidly becoming a money-maker. After a faltering start, circulation has risen to nearly 16,000, making it the largest weekly in New England, and after three years of losses, the paper stands to make a \$50,000 profit in fiscal 1973. Most of the money will be pumped back into reporters' salaries which now run between \$100 and \$140, against a Guild minimum for the state of \$205. And Cox and Cole, who pay themselves only \$200 a week, see their own financial situations getting less and less tight.

"What we've proved," says Cox, 36, who owns 75 per cent of the paper's stock and is the one responsible for its success as a business, "is that significant journalism on a local level is financially possible. You talk to any editor of a daily under 200,000 circulation, and he'll tell you he can't afford to do the kinds of stories we do. He can't cut people loose to do one long piece each week. They're locked into covering fires and obits, and they don't have time for some of the really important things that are going on. We just took out all that crap and put in what we wanted to. I suspect that if you had a newspaper where the editors did only stories they were interested in it would come out reading a lot like the *Maine Times*."

A plumpish, ebullient sort of man—to no one's surprise he writes the paper's food column—Cox is the son of a well-connected Washington lawyer (his father, Oscar Cox, helped F.D.R. negotiate the World War II lend-lease plan) and first became interested in journalism during a summer vacation from Yale Law School when he worked as a reporter for the *Kennebunk (Me.) Star*. One of the *Star's* editors happened to be John Cole, who convinced Cox to quit the law. Shortly thereafter, Cox landed a job as editor of the *Adirondack Enterprise*, a small daily in upstate New York, where he received an intense course in newspaper publishing. "I was paid \$85 a week," he said, "for which I did all the headlines, edited the copy, wrote a couple of news stories and all the editorials. There was a woman who did personals and society notes and an alcoholic photographer who was also supposed to do feature stories, only he'd never show up." After four years of that, he moved on to become editor of the daily *Bath Times* in Maine. At about the same time, his mentor, Cole, had quit the *Kennebunk* paper and hired on as editor of the *Brunswick Record* about five miles away. Both papers were owned by the same company, and Cole and Cox convinced the owner to amalgamate the two weeklies into one daily, the *Bath-Brunswick Times-Record*. The two men assumed the relationship they now have on the *Maine Times*. "It really works out well," Cox says. "John is a sort of catalyst; he gets incredible ideas and thinks up new ways of doing things. Then, he's off on something else, and I usually end up seeing to it that things he's thought up actually get done."

Unlike Cox, Cole, found his calling

\* The company is now trying to start a nuclear power plant in Berlin, N.H.



# The Pittston Tanker Game

Object of the game: To move one VLCC two 70,000 dwt tankers, three T-2 tankers and two barges from Quoddy Head to the berths at Deep Cove and Bates Head, and then out again within the 4.5 days and one night allotted. Players may use an accumulation of log sheets, keeping notes on how many tankers they move each week. Play can be continued for 62 weeks, or until the three-week reserve tank (3 million gallons) runs dry. (For further details, you are urged to read the article on pages 14 and 15.)

## RULES

Each VLCC must be accompanied by four tugs at all times. VLCCs must berth and de-berth at the Bates Head pier, and on slack tide only.

Each 70,000 dwt tanker must be accompanied by three tugs, and must berth and de-berth on slack tides only at the Deep Cove pier—which can accommodate one 70,000 dwt, and two T-2s or barges.

T-2 tankers and barges must be accompanied by two tugs, and must berth and de-berth at the Deep Cove pier on slack tides only.

Only one ship of any kind can berth or de-berth on any one tide. The anchorage area in Peter Bay is for emergencies only, and only one ship can anchor there at one time. It must be accompanied by tugs while at anchor. All other ships must remain at sea when they are not at their berths.

## TIME FRAMES

In addition to the 4.5 day and one-night limits and the slack tide times (see log sheets) allow 4 1/2 hours for the trip in or out from Quoddy Head to port, and one hour for berthing and de-berthing. VLCCs must stay in port 20 hours minimum to unload; all other vessels need 10 hours to offload or load.

GOOD LUCK

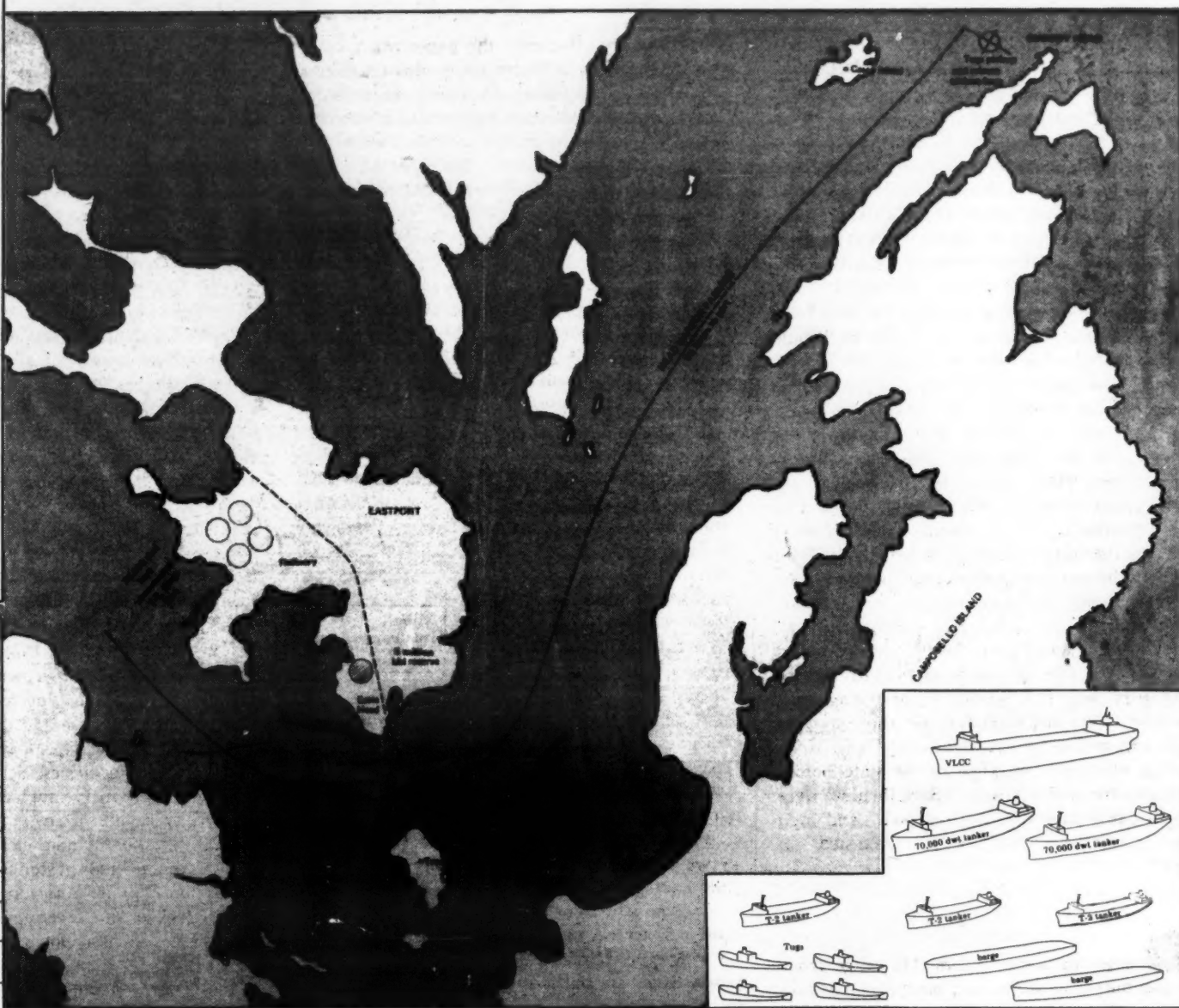
## BOX SCORE

Tankers In/Out (used 0)	
Tankers Shutt	

## SHIP'S LOG - Pittston Tanker Port

FIRST DAY (12 hours)	Slack Tides 8 a.m. - 2 p.m.
SECOND DAY (12 hours)	Slack Tides 9 a.m. - 3 p.m.
THIRD DAY (12 hours)	Slack Tides 10 a.m. - 4 p.m.
FOURTH DAY (12 hours)	Slack Tides 11 a.m. - 5 p.m.
NIGHT (12 hours - use optional, but both slack tides must synchronize with day cycle)	
HALF DAY (6 hours)	Slack Tide noon

Use this ship's log to make notes of all ship movements and tug operations in the Port of Pittston. Be sure to note tide times and keep operations within the time frame specified.



When the Pittston Corporation assured one and all that their tankers could easily negotiate Head Harbor Channel without danger of disastrous oil spills, Maine Times editor John Cole created the "Pittston Tanker Game" and challenged his readers to run the channel successfully. None could.

somewhat later in life. A tallish, angular man with an Ichabod Crane stoop, he was also well born—his mother's family controlled a block of 68th Street off Fifth Avenue—and also went to Yale University where he worked on the *Yale Daily News* under the editorship of William F. Buckley, Jr. (Cole and naturalist Peter Matthiessen wrote an outdoor column called "Two in the Bush"). After Yale, Cole was tempted to pursue a life paved with his family's good connections. His first job was with John Hay Whitney's public relations firm, Contacts, Inc., where he fed "scoops" and one-liners to Dorothy Kilgallen and Walter Winchell. "It was," he says, "the kind of life I thought I wanted—eating at the Colony (an agency account) and going to Belmont (another account) but I ended up really hating it and hating the city." Disillusioned, Cole took off abruptly for the family summer place in East Hampton, L.I., where he and Matthiessen bought part of a fishing business, and for the next eight years Cole set out every day into the Atlantic as a commercial fisherman.

When he turned 35, however, he was ready to trade in his nets for something more cerebral and signed on with the *Kennebunk Star*. At the *Star*, Cole found that his flat Broadway "A" fit in remarkably well with the dry downeast accent of the natives and that his skills as a press agent were readily adaptable to small town newspapering. In one instance, he published a treasure map on the paper's front page showing the location of the new parking lot in the town of Ogunquit. The lot had just been filled with fresh sand from the Josias River, a nearby stream from which somebody had recently panned gold. "The

gold was real," says Cole "a nugget about the size of a pin prick. But that afternoon the whole parking lot disappeared. People came in trucks, station wagons, anything they could shovel dirt into."

It was on the Brunswick paper, though, that Cole developed his enthusiasm for crusades, and sometimes loosed them on behalf of people who didn't necessarily want his help. One series on Brunswick's poverty problem was titled "Your Hidden Neighbors." It ran in 12 parts and while Cole failed to arouse much concern on the part of the town's burghers, he drew a fair amount of anger from the people he identified as being poor. "They didn't think they were so bad off," he says, "and at any rate I guess they didn't want everyone knowing about it if they were."

By the time Cole and Cox began the *Maine Times* (they had previously offered the idea to two Maine publishers who turned it down as unworkable), Cole had already built a large following around the state as a maverick journalist. Dressed conservatively in button-down shirt and khakis and given of a quiet spokenness that belies his reputation among at least some Mainers as a dangerous radical, Cole does most of the paper's inspired reporting, almost all its editorials and also produces his weekly "John's Column." The column, which is about to be compiled into a book, is a compendium of ruralisms, notes from his personal life (divorced and remarried, he lives in a seacoast house in Brunswick with his wife and their four children) and post-industrial philosophizing, and it is easily the best read feature in the paper. "You should see them come in here," says Cox, "little old

ladies in madras skirts and sneakers, and all they want is to meet John Cole."

The whole paper, in fact, can be seen as an extension of Cole's love for Maine and his outrage at those who would profane it. "In the beginning," he says of his editorship, "I was content just to stay about six months ahead of people. I was writing about the need for more laws to clean up the air, to stop bulldozers and highways—the basic elements of the Green Revolution. But as I was writing about it, I actually began to think, and I realized that the ultimate answer was not just a matter of anti-pollution laws or how to build clean nuclear power plants. Those were engineering solutions, but engineering, even if it produced 200 power plants, could never satisfy people's appetites. What was needed was a new attitude toward waste and consumption. Our values had to change. And so the paper got interested in the whole issue of growth and no growth. In that sense, it's a very personal paper. It changes as I change."

Cole likes to think of himself as a "transitional man" muddling through a metamorphosis in public. One week he is the social engineer, calmly urging the state to sink money into methane gas converters as a cheap source of power ("They were going to spend \$250 million on the oil refinery in Eastport. Why, for one hundredth of that I could build a fantastic refinery that would run on nothing but chicken shit!"). The next week, he might load his space with editorial bombast, raging at Richard Nixon as a "Howard Johnson's



President," or railing at the state's legions of snowmobiling "Sweenies" and "rednecks of the north." The state's snowmobilers got so angry at Cole after he succeeded in having them banned from wild areas of Baxter State Park that they tried unsuccessfully to organize a statewide boycott against products advertised in the paper.

Cole's favorite material for the column, though, is what he sees and does around his house on the edge of Middle Bay in Brunswick. The terns, for instance. ("I see much of my life when I see the tern and hear its cry.") Or the building of his own house, a project he accomplished with help from only a few local boys. He represented the house as a post-industrial ideal (among other things, he used recycled materials such as old barn boards), but was chagrined when angry readers wrote in to criticize it for not using such environmental icons as a solar heating system. "I never pretended I was perfect," Cole said in response. "I'm just a confused sort of man, doing a couple of things with his life and probably not doing them very well."

There are times, though, when Cole's column exudes the kind of rural chauvinism that sets the teeth grinding in anyone who hasn't given up on the city or, unlike Cole, can't bloody well afford to. "Maine's naturalness," he preached last spring, "can work the same restorative measures on man that a religious conversion or spiritual incident might also work...I see the failure of American cities as a deep spiritual failure of American belief, and I see the urban and suburban people looking to Maine for refuge as people who have discovered their faith has been misplaced....Maine virtues can only multiply with each passing day in the eyes of every urban beholder."

For many Maine natives who are getting pushed aside by all these refuge seekers, the *Maine Times* seems to be nothing but a tool of the elite. Most of its readers are far wealthier than the average Mainer. One survey taken by the paper found that the median income of its subscribers was \$17,000, almost twice the norm in Maine. Like Cox and Cole themselves, many of the *Maine Times* readers either live outside the state or are recent immigrants and reside in rural or coastal splendor. In addition, Cole's notions about a no-growth economy find a cool reception among the Mainers who cannot find jobs. Depending on where they live, workers face an unemployment rate in the state that varies from seven to twenty per cent. "The *Maine Times* does a hell of a job for the conservationists and rich outsiders and tourists who want to see Maine all pristine and green when they come here on vacation," says Richard Carey, a state representative from Waterville, echoing a familiar sentiment. "But the working man needs a job, and the paper isn't saying much about that." In Carey's home district, for instance, the Scott Paper Co. will have to stop using the Kennebec River by 1976 for floating logs down from its vast forests in the north. The date was set in a successful lawsuit—applauded by the *Maine Times*—which charged that logs polluted the river and killed fish. Now the company will have to find another way to transport its pulp wood, and Scott spokesman have indulged in a favorite pastime of threatening to close down the plant if the ecological squeeze gets any tighter. This understandably wins few friends for the environment around Waterville. Carey, in fact, stood up in the state House of Representatives recently and asked that the *Maine Times* not be delivered to his desk anymore but to his mail box in the cloakroom, "where it is closer to the wastebasket."

"In the end," says Cole, "it is changing the economic system that gets people scared. If you do what we say, you have to have a return to an equilibrium economy rather than a growth economy, and then you won't have the affluence you have now. That's a little tough to sell, but my thing is to provoke people into thinking about the concept in hopes that some economist will come along and tell us all how to do it." Or to keep asking the right questions until the state starts coming up with some answers itself. "Why spend millions to widen the Maine Turnpike when you use it only 10 weeks out of the year?" asks Cox. "How is it that the price of land is doubling each year, but the rural Mainer who once owned the land is getting poorer and poorer? We just want to start talking about these things so people up here won't do things blindly anymore."

By asking the right questions, the *Maine Times* has made itself must reading not just for its allies in the movement but for its foes as well. "I don't agree with its ultra-liberal stand on things," says Wayne Crandall, a young real estate lawyer and developer from Rockland. "But, dammit, every time I see it on the newsstand I feel compelled to buy it just to see who they're going after next." More important, the weekly has forced the established dailies to finally recognize at least some of their responsibility to the state. Along with waking up recently to the whole issue of land use and the environment, the state's large newspapers have also hired writers who read the *Maine Times* and have begun tramping the trails blazed by Cole and Cox. "We cover the beat in greater detail simply because the *Maine Times* is there," says Bob Cummings, who covers the environment for the *Portland Sunday Telegram*, the state's largest paper. "They made us aware of our deficiencies."

## Talking Back To The Hucksters

BY MARK J. GREEN

Not long ago, the 10-year-old offspring of a Federal Trade Commission enforcement official asked his father, while watching a television commercial, "Daddy, is that the truth or is it advertising?" It sounds like a weak gag dredged up from those days in the 1950s when people still bothered to make fun of Madison Avenue. But these days the advertising hustle is no laughing matter, particularly on television. Each year, TV advertisers spend a staggering \$3.6 billion to, as Konrad Lorenz puts it, melt down individuals into malleable economic units. The average American adult watches 25 hours of television a week, or an estimated 3,000 days of TV between the ages of two and 65. Three hundred of those days are commercials.

In recent years, the FTC has moved on three fronts to try and pump more accuracy into advertising. In selected cases, the agency requires that an advertiser "submit on demand, documentation to support claims." In some instances, it requires advertisers to correct proven misstatements in future copy. And companies themselves, encouraged by the FTC, are increasingly abandoning the ubiquitous Brand X; instead, campaigns now favorably compare Schick to Norelco, Fiat to Volkswagen, B.F. Goodrich to Goodyear and Brillo to S.O.S.

But, as any discerning television viewer

**The very idea of  
"counter-commercials"  
has advertisers and  
the broadcast industry  
petrified. But  
something has to be  
done to rebut the  
misleading claims  
drilled into us by  
Madison Avenue.**

knows, none of these approaches—however laudable in principle—has gone very far toward purging the airwaves of the "permissible lie." Which is why some advertising critics are pushing for "counter-commercials." Simply put, counter-commercials are commercials that contest false, misleading or onesided pitches. If Alka Seltzer claims that it helps an upset stomach, a counter-commercial might explain that since Alka Seltzer is part aspirin it also makes people with ulcers bleed and throw up, facts that sponsor Miles Laboratories prefers to ignore. If IBM boasts, "Not Just Data, Reality," an antitrust advocate could fairly note, "Not Just Data, Monopoly." And if Exxon keeps insisting that its offshore oil rigs

provide nutrients for fish, a counter-commercial could discuss oil pollution. In such a marketplace of competing claims, the truth would be more likely to emerge.

The theory behind counter-commercials—of the right to reply to a controversial claim—was institutionalized by the Federal Communications Commission's 1949 Fairness Doctrine, which requires that broadcasters provide a "reasonable opportunity for the presentation of conflicting views on issues of public importance." For two decades this was thought to apply only to political speech. But John Banzhaf ended all that in 1967 when he petitioned the FCC to have the Fairness Doctrine apply to cigarette commercials. The FCC agreed, ruling that the dangers of smoking were documentable and controversial. The results were the first sanctioned counter-commercials, the American Cancer Society spots against smoking.

Despite the FCC's attempt to limit the application of the Fairness Doctrine to commercials by calling the cigarette situation "unique," since 1967 it has gotten stuck in the rut of its own clear logic. The FCC has managed to conclude that commercials for the Alaskan oil pipeline *did* deserve reply time (NBC then chose simply to drop the original commercials rather than run both original and counter), but that commercials for big cars and high-test, leaded gasoline (because they promoted pollution) *did not*. (This latter decision was reversed by an August 16, 1971, Court of Appeals ruling: "When there is undisputed evidence, as there is here, that the

Mark J. Green is director of Ralph Nader's Corporate Accountability Research Group, co-author of *Who Runs Congress* and editor of *The Monopoly Makers*.





**"I'd like to talk to you about a drug problem called Excedrin, Empirin, Anacin, Cope, Vanquish and Bufferin.**

**The American Medical Association has found remedies like these to be either irrational, not recommended, or unsound. As for plain aspirin, there's no persuasive scientific evidence one brand is more effective at relieving headaches than another . . . although the major brand costs a lot more.**

**So, next time you buy something for your head, use your head. Buy the least expensive plain aspirin you can find."**

hazards to health implicit in air pollution are enlarged and aggravated by such products, then the parallel with cigarette advertising is great.")

The FCC also denied environmentalists the right to respond to a Chevron F-310 commercial, which claimed it would give "clean mileage," because the claim dealt with "product efficiency" and not a controversial issue—despite the fact that the Chevron ad began, "I'm sure you're as concerned as I am about the problems of controlling our environment. And one of the most critical is the need for cleaner air..." But in April, 1972, counter-commercial proponents won a mini-victory when NBC, under pressure from consumer advocates, voluntarily accepted a reply commercial to the Association of American Railroads advertisement promoting the Surface Transportation Act.

On January 6, 1972, after years of heel-dragging, an unusually bold FTC came out ringingly for counter-commercials. At a continuing FCC reevaluation of the Fairness Doctrine, the FTC listed four areas where counter-commercials were justifiable: advertisements for product performance that explicitly raise controversial issues of current public importance (e.g. Ford doubting the value of air bags); advertisements raising broad controversial themes (e.g., food commercials encouraging poor nutrition); advertisements citing scientific claims that are matters of controversy (e.g., promoting some tests but omitting opposing conclusions); and advertisements omitting mention of negative product qualities (e.g., a drug that cures x, but can cause y in z type patients). "Why...should an advertiser have the right to monopolize the consumer's attention by trumpeting the virtues of his product," says former FTC chairman Miles Kirkpatrick, "when a consumer who learned of an aspect undesirable to him might not buy it if the attention monopoly were ended?"

Predictably, counter-commercials quickly become about as popular as Diogenes would be on Madison Avenue. Clay Whitehead, head of the White House Office of Telecommunications, called the concept "a verbal stoning" in the public square which "this Administration" opposes. He predicted the result would be "a bewildering clutter of personal opinions thrust before consumers every time they turn on their radios and TV's Lee Loevinger, a former FCC commissioner now Washington counsel to Standard Oil in a counter-commercial case—and one who has elevated exaggeration into an occupational trademark—argues that counter-commercial producers will not "be the well-informed, but the extremists, the fanatics and the purveyors of odd

brands of social snake oil cures."

Frank Stanton, former president of CBS, Inc., attributed the counter-commercial thrust to "a peculiar coalition of the 'New Populist' movement on the one hand and high-placed Washington officials on the other." Julian Goodman, president of NBC, assumed that "this approach claims that every good ad deserves another off-setting counter-ad," and that counter-ads would "cripple" the broadcasting industry if so much as 10 per cent of existing advertising revenue were lost. ABC president Elton Rule condemned the phenomenon as "not only ludicrous [but] untenable." And National Association of Broadcasters President Vincent Wasilewski asked: "Do those who make such decisions at the FTC so hate the American system of broadcasting and advertising that they are intentionally seeking to destroy it?" Of course, they are not, as an examination of some of the fears harbored by broadcasters shows:

• *For every commercial there will be a counter-commercial.* Actually, no one is seriously talking about equal time to reply to all commercial



**"If you have one of these Chevroletlets [the names of 13 models appear on the screen], it could cost you your life.**

**They were built with potentially faulty engine mounts. If one breaks, it could jam the accelerator wide open and knock out your power brakes at the same time. Several thousand accidents have been reported and some deaths have been alleged. Now General Motors has announced they won't give you new engine mounts, but they will install a free safety cable.**

**If you have one of these cars, I urge you—get it to a Chevrolet serviceman . . . slowly."**

statements, nor does the Fairness Doctrine require it. Such a fear overestimates the resources of consumer groups to produce commercials. And it indirectly slurs all advertising, since only mendacious or misleading commercials will likely inspire counter-commercials.

• *Where would the time come from?* If one-quarter of all public-service time were set aside, and 10 per cent of present commercial time (or about 40 seconds per hour) were set aside from existing programming or advertisements, counter-commercials could be shown with a minimum of disruption.

• *Militants and fanatics may get air time to harangue legitimate business.* In fact, the only counter-commercials offered television to date have been responsible, well-produced and created by serious lawyers, actors and scientists. (One of them, Tracy Westen, formerly of the Stern Community Firm in Washington, thinks that "the fanatics are in the advertising industry, if we judge by the number of deceptive advertising cases at the FTC.") To insure that counter-commercials are responsible: a) the same FTC restrictions against false and deceptive statements should apply to them; and b) the FCC could license counter-advertisers who could demonstrate a bonafide, non-profit interest in counter advertising.

• *Advertisers will flee television for the unregulated print media and destroy "free" TV.* This is the nub of the complaint. Money. Profits. In what can only be called broadcasting blackmail, the industry threatens to reduce the quantity and quality of news shows and documentaries if there is any pinch of profits. Yet television receives nearly monopoly profits. In 1972, the industry's pretax profits were \$552 million, an increase of 41.9 per cent over 1971; this represents a lush 70 per cent on tangible investment, or more than three times greater than the average for all manufacturing. (Network profits in 1972 rose even more spectacularly, increasing by 106 per cent over 1971.)

Even a pretax reduction of \$100 million would hardly put the industry in rags. But is a loss anywhere this big realistic? As any television advertiser will tell you, TV time is enormously cost effective in generating brand identity, hence sales and profits. The FTC, among others, understands this: "The careful combination of visual and sound effects, special camera techniques, the creation of overall moods, and massive repetition can result in a major impact upon the views and habits of millions of consumers. Thus, television has done more for advertising than simply providing animation to the radio voice; it has added a new dimension to the marketing process." Counter-commercials or not, then, few advertisers could afford to flee to other media. (And any that did would be effectively admitting that their claims could not stand up to criticism, an admission of failure appropriately penalized by a rational economic system.) The oft-cited cigarette experience does not support the "flight" theory, for no tobacco firm left the air until all left because an act of Congress compelled them to leave—legislation which is an obvious rarity. In fact, argues advocate Westen, "counter-commercials will be one of the best things ever to happen to the advertising and broadcasting industries" because they will not only encourage advertising accuracy but encourage firms to seek more advertising time to counter the counter. When Avis took on Hertz and Schick named Norelco, this is precisely what happened; and when the antismoking ad-



vertisements went on television, three of the five biggest tobacco firms increased their TV expenditures.

The beneficiary of counter-advertising would be the consumer. If consumers were adequately informed and competition obtained, one would expect that the higher the price, the higher the quality; and that the lower the price, the lower the quality. But according to a study based on Consumers Union data, the quality-price correlation is only .35—a result significantly attributable to non-informational and deceptive advertising. If consumer buying were made even five per cent more effective due to more functional and honest advertising, consumers could increase their purchasing value by \$35 billion annually—easily worth the cost of any slight decline in broadcasting profits, real or imaginary.

It is not only industry conservatives, however, who are making life difficult for potential counter-advertisers. In a new liberal critique of the Fairness Doctrine, observers like Nat Hentoff, Jerrold Oppenheim, Judge David Bazelon and Justice William O. Douglas have all been moving away from the notion that the government can tell anyone what to say. They argue that our society is founded on the premise of free speech, not fair speech, and that if the government can't compel "balance" in the print media because of First Amendment restrictions, then why can it over the broadcasting media?

These critics raise serious points, but they also seem to miss some. A First Amendment in 1789 rightly assumed that if you just kept the government away from the printing presses, the marketplace of competing ideas would ideally serve society. But two centuries later, multi-media conglomerates own that marketplace. A zero government role now, after the government created the network monopoly, would simply abdicate power to a relative corporate few. Will it serve or frustrate the First Amendment to permit some with mimeograph machines to "freely" contest others with national television networks? "Where...one party to a debate has a financial clout and a compelling economic interest in the presentation of one side unmatched by its opponents," said the D.C. Court of Appeals in *Banzhaf v. FCC*, "we think the purpose of rugged debate is served, not hindered, by an attempt to redress the balance."

Some, like Jerome Barron in his recent book *Freedom of the Press for Whom?*, argue that this right of access should be applied to the print as well as the broadcast media, that the First Amendment assumes a kind of participatory democracy of many voices, whether the vehicle is print or sound. Others emphasize that the broadcast medium is different from print because of frequency scarcity, which requires a government to fairly allocate and which was and is the *raison d'être* of the Fairness Doctrine. (Although as the new broadcast technologies are implemented—video-cassette, cable TV—the

rationale declines in importance.) To both camps, however, the issue today is not so much content as access. "The point of ultimate interest is not the words of the speakers," said the eminent Alexander Meikeljohn, "but the minds of the hearers."

Tracy Westen hardly seems distracted by the swirl of debate as he plunges ahead in his effort to compel the broadcast industry to accept counter-commercials. His office and a former West Coast affiliate, the Stern Concern, have produced a number of straight public service announcements (anti-drug, pro-food stamps) and a number of counter-commercials. In one Burt Lancaster says, "I'd like to talk to you about a drug problem called Excedrin, Empirin, Anacin, Cope, Vanquish and Bufferin," explaining that they are largely unnecessary or certainly indistinguishable; he also stars in a commercial urging owners of Chevrolets with defective motor mounts to "get [them] to a Chevrolet serviceman...slowly."

When Westen began sending these and other counter-commercials around to radio and television stations, he was not eagerly embraced. As the lawyer for several Los Angeles licensees put it, "Hell will be frozen over a long time before broadcasters present the spots they produce." Most simply turned down Westen's requests without

## Getting the Facts Down on Paper

No Fairness Doctrine applies to newspapers and magazines, so advocates of counter-advertising don't even have that precedent as a wedge into the print media. Nevertheless, the Stern Community Law Firm in Washington has developed more than a dozen full-page print ads (examples at right) and is pushing to get them placed. The Progressive and The New Republic have run the ads, and Stern last month mailed a packet of nine to 2,500 college and small community newspapers. In addition, another mailing went out this summer to 60 national magazines like Time and Newsweek. But few, if any, are likely to set aside free space for counter-ads that offend their paying advertisers.

This summer, the Center for Auto Safety, co-sponsor with Stern of the STP counter-ad, filed a complaint with the Federal Trade Commission arguing that STP pitches were deceptive and should be taken off the air and out of print. The center also maintained that the only way to correct the misleading impressions left by the STP ads was for the firm to buy space and run either the counter-ad or STP's own corrective advertising. In another pending case, the FTC this June ruled that Amstar, which makes Domino sugar, should devote 25 per cent of its advertising budget to corrective ads. The Stern firm has intervened to ask that 25 per cent of the corrective ad budget be given over to the running of Stern's sugar counter-ads, on the theory that Amstar shouldn't be allowed solely to correct itself.

# SEE THE U.S.A. IN YOUR CHEVROLET...



## BUT BE CAREFUL ON THE TURNS.

If you drive a 1965 to 69 full-size Chevrolet or Nova V-8, or a 67 to 69 Camaro V-8, you're in serious danger. Those cars were built with faulty engine mounts. If one breaks and the engine shifts, it can jam your accelerator wide open and knock out your power brakes at the same time. The greatest dangers are fast starts and turns. Several thousand accidents and injuries have been reported,

and some deaths have been alleged. General Motors has announced they won't give you new engine mounts. But they have agreed to install a free safety cable that'll hold the engine in place. That way if a mount goes, you won't. If you're driving one of these cars, get it to a Chevrolet service department...slowly.

Center for Auto Safety  
Washington, D.C. 20044

Prepared by the Stern Concern



either fury or elaboration. But one, Linda Penn of WTTG Metromedia in Washington, committed candor when she wrote Westen last May. "Mention of specific names is offensive to station clients that buy time on the air. The counter-advertising approach that specifically the 'Chevy' and 'Aspirin' films take, in effect, bites the hand that feeds you."

**T**here have, however, been some successes. Westen has sent counter-ads to various magazines, which are free to either reject them without fear of government compulsion or run them gratis; a few, especially *The New Republic*, are running ads critical, for example, of STP, sugar and prescription drugs (see below). At least 300 radio stations in the top 100 markets are running some or all of the counter-commercial spots. In the summer of 1972, WTOP-TV in Washington ran the aspirin counter-commercial, but by mistake. The station's public service director saw it, loved it and put it on, only to discover afterwards that the station had a policy against such spots. No more were aired. Despite the Stern firm's meagre overall track record, Westen is all confidence. "We'll win," he says matter-of-factly when asked about his chances for success. "Can you imagine the impact of getting even a minute of prime time to run these ads."

Westen may be more than a little over-

optimistic, however. After all, counter-commercials are opposed by no less than big business, the advertising industry, the broadcasters, the networks and the Nixon Administration. Perhaps shell-shocked by its unexpected notoriety, the FTC has not spoken on the issue since its January, 1972, statement. The FCC is presently reevaluating the Fairness Doctrine, and there are rumors that it may reverse its 1967 cigarette ruling in order to extricate itself from the counter-commercial quicksand it created. Westen himself, moving from Washington to California this month, may discontinue his personal struggle for counter-commercials.

Finally, and perhaps most seriously, the U.S. Supreme Court ruled last May that broadcasters could not be compelled to sell air time for statements on public policy by, as Chief Justice Warren Burger called them, "self-appointed editorial commentators." The decision, of course, frustrates access for counter-political statements, but it does not necessarily frustrate counter-commercial statements. A test case seeking time for counter-commercials raises the issue of broadcasters' commercial freedom, which might be far less compelling to the court than broadcasters'

\* The Business Executives Move for Peace (B.E.M.) and the Democratic National Committee brought suit after networks refused to sell them air time for anti-war editorials. The D.C. Court of Appeals agreed with their claim, citing "robust and wide open" debate. But the Supreme Court reversed 7-2 (Brennan and Marshall dissenting).

political freedom. Still, the *BEM* case hints at a Supreme Court unfriendly to any broadcasting access by citizen groups. Counter-advertising is "a dead issue," predicts John Summers, general counsel of the National Association of Broadcasters.

On the other hand, as the auto safety and SST battles showed, it is not impossible for an aroused public constituency, supported by facts and logic, to defeat powerful organized interests. And the idea of counter-advertising is quintessentially logical and American. In courtrooms, elections and the marketplace, lawyers, candidates and products compete to produce, presumably, the wisest and best result. But instead of competition, advertisers seek monopoly in order to perpetuate sales and profits. In a March, 1972, panel discussion, FCC Commissioner Nicholas Johnson asked Summers why, if product x cites a favorable American Medical Association study to sell it, a counter-advertiser can't cite an unfavorable AMA study to unseat product y. "The physicians, because of the position they occupy," answered Summers, "have much more credibility with the public. The effect on advertising is more disastrous." In other words, the more believable the claim, the less justified its airing; the viewer should remain ignorant so that advertising remains profitable. With arguments as persuasive as that, opponents of counter-advertising may yet rescue it from its present limbo.

**There's a special rate  
most airlines don't  
advertise.**



**It's the  
I'm-sorry-sir-but-all-  
the-seats-are-taken-rate.**

If you're denied a seat on a flight for which you hold a confirmed reservation, and the airline can't get you on another flight scheduled to arrive within two hours of your originally scheduled arrival, you're entitled to immediate compensation.

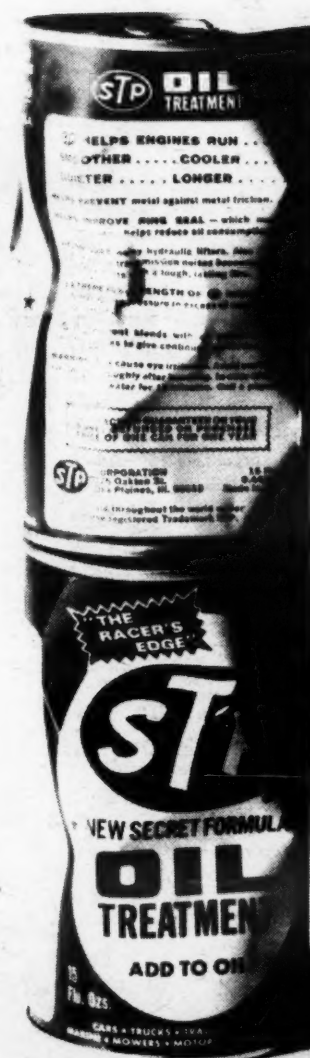
The airline must give you your money back and an amount equal to the value of the first flight coupon on your ticket, providing the coupon cost a minimum of \$25 and a maximum of \$200. In many cases that means double your money back.

Deliberate overbooking is a deceptive practice used to insure a completely booked flight. If an airline does it to you ask for immediate compensation. If they refuse ask for a written explanation. And send it to the Civil Aeronautics Board in Washington, D.C.

Remember that, next time you have a hard time getting off the ground.

Sponsored by Aviation Consumer Action Project  
P.O. Box 19029  
Washington, D.C. 20036

Prepared by The Stern Concern



**We're surprised  
that they don't claim  
it cures cancer.**

The makers of STP Oil Treatment make it sound like a fountain of youth for old cars and a super tonic for new cars.

They claim it does everything from protecting engine parts to reducing heat, noise, friction, and wear.

They say it's the "racer's edge." Whatever that means. Well, here's what STP Oil Treatment really is.

It's a can of thick goo that makes the oil it's added to thicker.

But if you want a thicker oil, you can just buy a heavier grade of oil (like 40 or 50 weight) in the first place. Or if you want a "multi-viscosity" oil (like 10W-30), you can just buy that, too. And save the expense of STP. For most cars under almost all driving conditions, the right motor oil is all you'll ever need for your car's crankcase.

The very nicest thing we can say about STP Oil Treatment is that it's probably a waste of money. But there are less nice things, too.

STP can change the proportions of chemical additives (detergent, anti-rust, etc.) already formulated in most motor oils, and it can make cold weather starts harder.

Mercedes Benz even says it could invalidate their new car warranties.

Many motor oil manufacturers, including Kendall, Quaker State, Pennzoil and Valvoline, advise you not to use additives like STP.

Even Consumer Reports (July 1971) says you don't need STP. The makers of STP must have forgotten to mention all that. And what do you have on the other side? "The racer's edge." Whatever that means.

**A Public Interest Advertisement from the  
Center for Auto Safety  
1223 Dupont Circle Bldg., Wash., D.C. 20036  
Produced by Public Communication, Inc.  
Washington, D.C.**



# A Cause For Indictment

BY HENRIETTA JOHNSON BURROUGHS

Just before he went to jail last April, Ron Porambo made a special trip to Florida to reassure his parents in Ft. Lauderdale that they need not worry about him. In returning to New York, he purposely booked a midday flight so that he could eat lunch on board. But, it turned out, Eastern was only serving a snack that day. Furious, Porambo took his case to the stewardesses. They gave him plastic sympathy but no plastic meal. He demanded to see the pilot. By the time the plane landed at Newark International Airport, a nervous Eastern Airlines had dispatched a smiling public relations man to the scene. Porambo asked him why Eastern was wasting money on his salary instead of serving its passengers hot meals. Then he went home to Newark.

That Ron Porambo loves airline food only further confuses the anomaly of this maverick reporter who, since he graduated from Rutgers University in 1964, has quit or been fired from 10 newspapers and one television station; who spent months with no encouragement painstakingly compiling a 1,000-page manuscript, ultimately winnowed down and published in 1971 as *No Cause for Indictment: An Autopsy of Newark*, a work *The New Yorker* called "probably the most moving and instructive book yet written on any of the bloody

*Henrietta Johnson Burroughs is a former newspaper and television reporter now freelancing in New York.*

**Ron Porambo has quit or been fired by 10 newspapers and one TV station, written a highly-acclaimed book, spent three months in prison and may be indicted again this fall as Newark officials keep the heat on.**

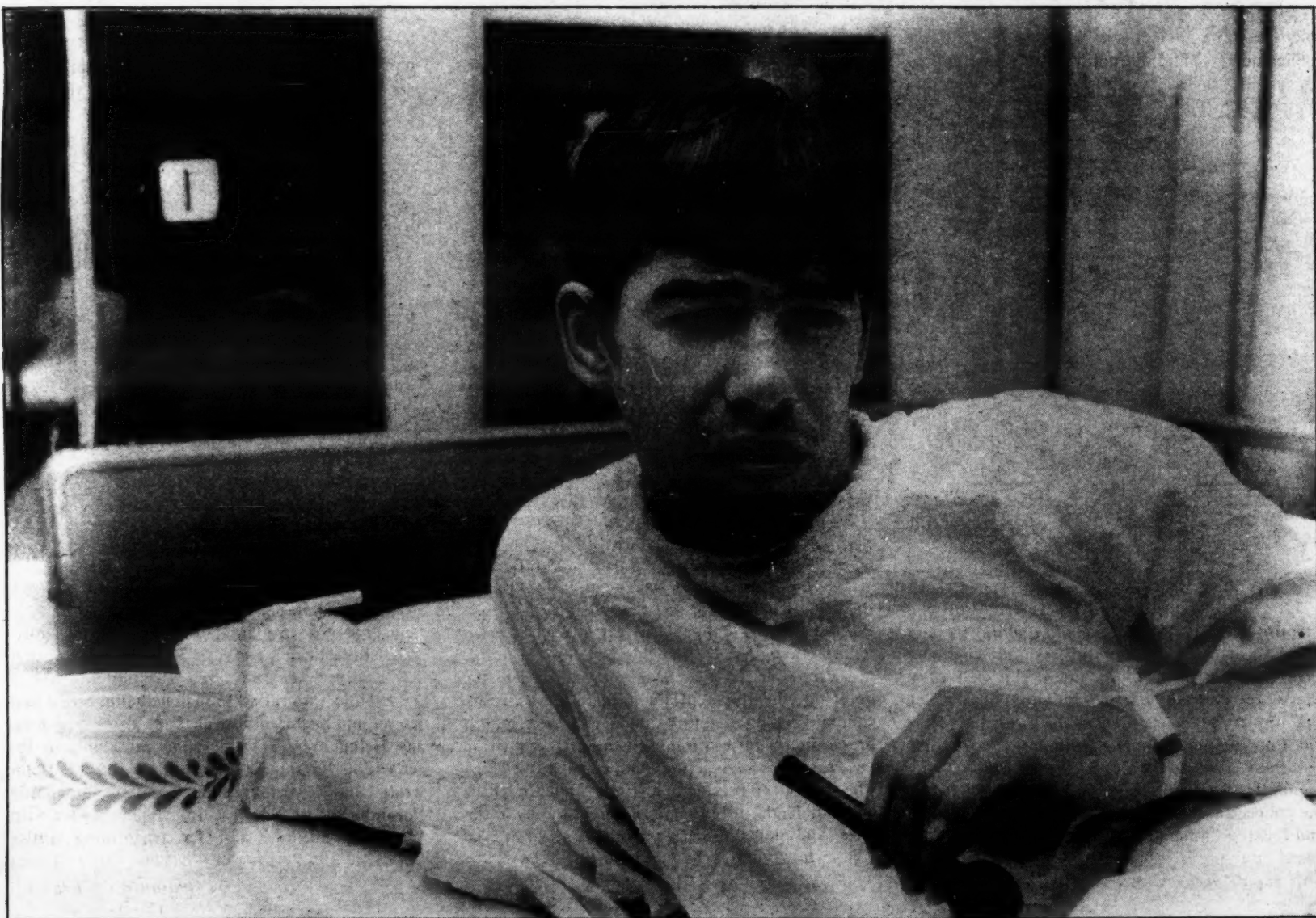
civil disturbances of the sixties;" who, after the book came out, was twice shot at and once wounded in a case that remains unsolved; who this year spent three months in prison for bribing a policeman and who any day now expects to be indicted for tampering with public records in Newark.

For anyone who knows the 34-year-old Porambo both his triumphs and his troubles seem the almost inevitable result of a single-mindedness that yields to no easy classification. Back in the

early 'sixties, for example, he missed curfew one night and was confined to the base while a trainee at the U.S. Army information school at Ft. Slocum. When he asked his superiors to at least permit him to retrieve his glasses, which he had left at a girlfriend's house in New Rochelle, they refused. So the next night he went to the seawall (Ft. Slocum was on an island just off the Westchester County suburb), found a large metal tub used for mixing cement and, with a broken board, paddled through the tricky tides, sinking just as he arrived at the opposite shore. He picked up his glasses and then called his first sergeant, who advised him to catch the first ferry back. "I did," recalls Porambo, "and then they really lowered the boom."

Since such military enthusiasms are not without parallels in many city rooms, Porambo had to keep jumping once he brought his peculiar style and vision to journalism. In 1966, his stay at the *Albany (N.Y.) Knickerbocker News* lasted only a few weeks, largely because of a satirical article in which he vividly described how the Chinese turn left-over Italian food into tasty items for Column A. The year before, Porambo daily brought a stray puppy he had adopted to the office of the *Kingsport (Tenn.) Times-News*. Bob Roesgen, the editor, put up with Porambo's eccentricities, but the townsfolk soon began to complain about the vigor of his reporting—particularly after he exposed illegal cockfights and a still directly across

*Ron Porambo recuperates in hospital after being shot once in each thigh while trying to start his car in Newark. His assailant escaped and the case remains unsolved 21 months later.*





from the police station. When Porambo began dating Carol Scott, a black woman whom he later married, pressure in the Southern community grew too great for Roesgen. "He called me in," recalls Porambo "and said, 'You've got to choose—Carol or the job.'" Both Ron and Carol moved on.

**P**orambo possesses an understanding of and an affinity for blacks that are rare for a white man, and his passionate perception of the black experience infuses *No Cause for Indictment*. Predictably, Porambo's passion also infuriated white Newark, for the book accuses the Newark Police and the National Guard of wantonly murdering 26 black men, women and children during the 1967 riots in the graft-ridden New Jersey city. The book also charges Joseph Lordi, the Essex County prosecutor, with complicity in deliberately indicting the innocent and shielding the police. An Essex County Grand jury found "no cause for indictment" of the police, whose department was subsequently branded by the Hughes Report as "the single continuously lawless element operating in the community."

The fact that Newark Mayor Hugh Addonizio, his police chief Dominick Spina and other New Jersey officials Porambo fingered were eventually convicted of various criminal transgressions did nothing to allay the personal animosities his unsolicited muckraking had created. On Nov. 19, 1970, Porambo was indicted by Lordi for giving John Balogh, a Newark policeman, \$50 for autopsy pictures and documents he wanted to use in *No Cause for Indictment*. Porambo says he approached Balogh (whom, ironically, he accuses in the book of killing an innocent riot victim), because he had interviewed him previously and found him cooperative. He also says he had obtained various pictures and documents from other Newark policemen free and did not want to press his luck by asking them for additional material. When Balogh told him it would cost him, Porambo says the two bargained until they settled on \$50.

Although the bribery charge was not adjudicated until this year, Porambo quickly became enmeshed in other difficulties. Shortly after the publication of the book, he says he was followed by several unmarked police cars. The police acknowledge that the license number Porambo gave them matched that of a police vehicle, but insist the car was on a lot at the time the reporter says he was followed. On Dec. 7, 1971, seven shots were fired into his car at 5:30 A.M. while he was en route to a part-time truck-driving job. The Newark police dismissed the shooting attempt as a publicity stunt to promote the book. Thirteen months later, on Jan. 14, 1972, Porambo was shot once in each thigh as he was trying to start his car at 1:30 A.M. By now, Porambo carried a gun himself. He grabbed it from under the front seat and as the assailant retreated he shot him in the back, knocking him out of a shoe.

According to *The New York Times* (Jan. 21, 1972), the police reported they "combed the shooting scene and were unable to find any trace—bloodstains or clothing—of the assailant. They also examined the trees, utility poles, the wall of a nearby reservoir and a school building, but did not find any of the bullets fired at the gunman." They did find a nine-millimeter automatic pistol that Porambo used to shoot at the attacker. Subsequently, the *Times* (Feb. 4 1972) reported that the police said they found one size 8½ brown loafer and located "a handful of residents who said they heard four or five shots but had seen nothing." This report was released after Porambo hobbled



*Porambo expects to be indicted this fall in connection with the theft of government records from Newark. He maintains he is innocent and here is shown returning the records to the Essex County Prosecutor's Office.*

out of the hospital on crutches and found several witnesses himself. Thus far the case has not been solved, though both the Essex County prosecutor's office and the Newark Police Department insist it is still open.

At the time of the assaults, Porambo was still muckraking—this time investigating several New Jersey gangland murders and fraud cases for "The 51st State," the innovative public television news program on New York's WNET/Channel 13. Porambo is convinced the shootings were the work of the police and says they have never contradicted any of his testimony. He notes also that had he at any time lied, he would have been arrested for submitting a false report. To compound his problems, Porambo was arrested last Feb. 18 by Officer Frank Gabriel for creating a disturbance outside a Newark tavern. Porambo says the disturbance was already in progress and he merely approached the policeman to find out what was going on and was arrested. (Perhaps only coincidentally, shortly after he made the arrest Gabriel was elected president of the Fraternal Order of Police.) The court hearing into the incident was adjourned several times at the policeman's request.

While this charge was pending, the trial on the bribery indictment was scheduled for March 5. Porambo left a copy of his book with a court reporter assigned to Nicholas Scalera, the judge presiding over the case. Scalera promptly sent the book to the prosecutor's office with an accompanying letter stating that he did "not think it proper in any respect for a litigant, even appearing *pro se*, to take such actions with respect to a judge who is about to preside in a criminal trial in which he is a defendant." Porambo received a copy of the letter and mailed Scalera a six-page, single-spaced reply. He wrote that he had given the book to the court reporter because she told him she had been

unable to find one in any bookstore where she lived. "Lord knows" he told the judge, "there are damn few in the Essex County Prosecutor's office capable of enlightenment at this stage of the game and I don't want the book wasted...What particularly irked me, if you have any interest in knowing, was a judge in the morally bankrupt Essex County system telling me about what is 'improper.' Sir, what is really improper is you worthy gentlemen in black robes sitting in the midst of legalized slaughter in complete, utter silence."

Porambo told the judge he would probably be found guilty, but said he would at least use the trial to introduce the autopsy photos: "After all if the victims in those photographs had been white, I would never have had to be arrested in order to get possession of them." He ended the letter by commending the judge for his demeanor and temperament. "For an Italian," he said, "you have come a long way. If you had known a bit more about the issues, perhaps what you believe to be unbending regulation and what I feel to be right could have been blended to a compatible approach, avoiding the confrontation ahead."

Judge Scalera disqualified himself from the case and was replaced by Judge Julius Feinberg. The jury took two days to find Porambo guilty. When his colleagues at "The 51st State" heard that he faced a maximum seven-year sentence and a \$5,000 fine, they raised \$835 to help him hire a new lawyer and begin an appeal. They also asked John Jay Iselin, WNET-TV's acting president, to intercede in Porambo's behalf. On April 13, Iselin wrote Judge Feinberg a letter commending Porambo for providing "51st State" viewers with "first-rate stories" and for performing duties "honestly and competently." Iselin also said that

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## No Watches?

WNEW-TV (Channel 5) recently regaled some 30 company veterans of 25 years or more (and their wives) at the chic East Side restaurant, Sign of the Dove, and managed not to overlook the opportunity to plug its largesse. The 10 p.m. newscast of September 11 wound up with a two-minute segment by reporter Stewart Klein, who described how the couples "were honored at the gala buffet, which featured prosciutto and melon, sirloin and salmon mousse—all tastefully garnished with gin and tonic." The *piece de resistance*, however, was General Manager Larry Fraiberg's announcement of a free seven-day Caribbean trip for each of the couples. Said Klein: "The guests stared in silent shock—disbelief—and then, realizing it was actually on the level, they cheered like crazy."

Circulating among the guests, Klein came up with an incisive interview with one of the employees ("What have you accomplished in 25 years at Channel 5?" "I made the party, that's about all I can say") and a pithy comment from John Kluge, board chairman of parent company Metromedia ("I'm even surprised I was invited"), before the gathering moved over to WNEW's studios. There some of the mirth was transmitted live.

Ted Kavanau, vice president and news director of Channel 5, says that while Fraiberg had told him "it would be nice" to film the party, the decision to do so was his own. "No one tells me what to do," he declared. "We do a lot of folksy stuff," he explained, reminding [MORE] that two years ago, the 10 p.m. news captured its commentator, Dr. Martin Abend, dancing around the *chupah* at his wedding.

Conceding that the Sign of the Dove story was of "marginal news value," Kavanau termed it a "goodwill" measure aimed at pleasing the station's engineers. "There's always tension between engineers and production people," he observed. "The union mentality separates people. This helps to create a better feeling."

—JIM KAPLAN

## Hot Copy

We have received the following communication from J. Alfred Goldstein, vice president and executive editor of *Screw* magazine:

[MORE] promises to give us all the truth about newspapering, and I'm afraid to say in your centerfold compilation about New York City newspapers called "The Big Apple," you list all the logos and call signals of the mass communications in the metropolitan area, but exclude the logo of *SCREW* Magazine. This is unforgivable and unresponsive, since *SCREW* is the largest underground paper in the world with a circulation of 122,000 copies.

For you to preclude the listing of our logo is to make a moral judgment and we feel something inconsistent with the aspirations of [MORE]. We would very much appreciate it if you would rectify this matter immediately and include our masthead.

For the record, we never promised to give all the truth about newspapering (too small a staff). That aside, we do intend to take up Goldstein's request at upcoming meetings of both our editorial board and our board of directors. And since it is impossible to predict how these bodies will rule on the matter, we can make no commitment for the long run. Our discretionary power, however, does allow us to run the logo just this once, and in a spirit of fair and open-mindedness here it is:

# SCREW

— R.P.

## Top Secret

The *Washington Post's* highly successful Style section, initiated in 1969, has spawned imitations at several major newspapers, among them, *The Los Angeles Times*, *The Boston Globe* and the *Washington Star-News*. And now, *The New York Times* is preparing to follow suit with a Sunday family/style section. Publisher Arthur Ochs Sulzberger has yet to give his go-ahead to the project, but preliminary editorial planning has been completed and an analysis of business prospects is underway.

The proposed addition to the fat Sunday package will be called "Living" and subtitled "city/suburb/house/home/love/children/fashion/living/coping." Despite the umbrella label and high-level disclaimers, *Times* insiders indicate that the new section, as presently envisioned, will vary little in concept from the paper's daily Family/Style page. The dummy of about 40 pages contains features on teaching the Chinese language to children, ways to beat the common cold, a guide to country restaurants, and a lead article on the latest methods used to stop smoking, assigned to *Newsweek's* Linda Francke specifically for the dummy issue.

Also gracing the first page is "Column One" by Family/Style Editor Charlotte Curtis; but Curtis isn't saying whether this will be a weekly affair, or even whether she has written any such column at all. Regular new features would include a Guide to Enjoying the Megalopolis, Column Two by various contributors, gardening and home repair news (moving over from the arts and leisure section) and the familiar staples—society, food, fashion and furnishings.

The editorial product represents the inevitable blend of the all-out hard news approach advocated by Curtis, and a service orientation favored by Managing Editor A.M. Rosenthal. The compromise was hammered out during nearly a year of planning by an informal ad hoc group which also included Sunday Editor Max Frankel, Assistant Managing Editor Seymour Topping, Corporate Art Director Jack Silverstein, and News Production Chief Socrates Konstantin Butsikares, whose initials "SKB"

adorn all the copy used for the dummies. Although the big push for expanded Sunday "women's" coverage has always come from the editors (who have kicked around the idea since 1966, according to Curtis), there now seems to be an economic incentive for starting the section.

Now that the *Times's* affluent readership is increasingly suburban, a family-type editorial approach could help boost subscriptions, in the view of Circulation Manager Frank Adams. What's more, distribution of the section may be confined to the New York metropolitan area (which buys up one million of the million-and-a-half Sunday circulation), with the hope, no doubt, of picking up advertising from the hugely successful Bergen County (N.J.) *Record* and Long Island's *Newsday*. Says Adams: "A local concentration would have most appeal to the retail advertisers who do most of their business in this area." Though Executive Vice President Ivan Veit expects the section to generate new revenue, he is not counting on supermarket advertising—something the *Times* has never been able to attract. Those lucrative shopper specials generally run on weekdays, Veit explained.

Although "Living" is expected to rely considerably on freelance writers, there is speculation that the staff may be increased by 20 persons. One of the bylines will be that of Gloria Emerson, who will resume writing for the *Times* in October and will do some pieces for the section. Curtis, of course, is the favorite to run the new show, but on this question, as on all others concerning "Living," she had little to say. "This is not something that should be publicly discussed, like anything else on the drawing board," she asserted. Rosenthal was similarly enlightening: "It's like writing a book. If I'm halfway done, I'm not going to tell you what it's about or how it's going to end." And from "Chic" Butsikares: "Listen sweetheart, I have nothing to say to you."

This tight editorial lip is also the ruling policy in the *Times* newsroom, where proofs have been kept under lock and key, and few if any Family/Style staffers have been kept abreast of project developments. One specialty editor whose subject area would be included in "Living" said, "It could have been fruitful to consult the experts," but noted that such clandestine operations are "par for the course" at the *Times*. A breach in security occurred several weeks ago, however, when several wedding announcements which had appeared last year in the *Times* were selected for inclusion in the dummy issue. Properly slugged with code "SKB," the proofs were transferred to the composing room, where they were promptly confused with the next day's copy. The result—year-old society news slated for the dummy—turned up in a daily edition of the *Times*, much to the embarrassment of Rosenthal, who was seen storming into Curtis' office when the mistake was discovered.

Behind all the intrigue is some concern that parochial interests could sabotage intra-*Times* negotiations on the project; or that poor



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planning could leave the paper with an editorial disaster comparable to the ill-fated West Coast edition. Several Family/Style reporters and editors are worried that "there aren't enough lifestyle stories in the world to keep filling that section with new material." Aware of the pitfalls, editors and executives are proceeding cautiously—the last Sunday section the *Times* introduced was the Week in Review in 1935. Yet particularly since the financial health of both the *Times* and its parent company has improved considerably during the past year, there is a feeling at the paper that the time to start "Living" is now.

—CLAUDIA COHEN

## The New WBAI

Supporters of Pacifica's listener-sponsored radio station WBAI normally receive an elaborate program schedule known as the *Folio*. But in late August they were mailed an abbreviated listing with a covering letter stating that "this month's *Folio* will not arrive late. It simply will not arrive." They were told that "debts accumulated during the last decade and failure to increase the number of subscribers" had almost killed the station. The budget had been slashed from \$660,000 to \$530,000, with a resulting cutback in staff of about one-third. Eleven people had been laid off and four positions being vacated would not be re-filled. The station was going to have to make do with a news department lacking two reporters and an engineering department depleted by half its members.

At a time when the price of eggs had risen to well over a dollar a dozen, the crisis at the enterprising "free speech" station seemed like another inevitable consequence of tight money due to inflation. But Jerry Coffin, general manager of the station since April, places the blame for the disaster on primitive disorganized financial management and on a "glutted" format that fragmented and alienated the audience. The vibrant free-form voice of the movements of the '60's had degenerated by the 70's into a cacophony of hostile and tedious verbiage coming from special interest groups—gay activists, radical feminists, Third World militants, among others—jealously insisting on their prerogative to be heard. "The programming became a kind of battleground," says Public Affairs Producer David Gelber. "It was a waste of the resource. There were large stretches of the day when nobody listened." Overall, the station lacked coherence. Gelber cites the occasion when his documentary on the closing of a beer factory in Brooklyn was preceded by a program of avant-garde music during which one stanza was repeated endlessly. Though WBAI doesn't take ratings, Gelber is certain the music lost him his audience.

Obviously, many listeners have been turned off. Last spring, the annual marathon drive took 40 days to raise \$186,000. "We should have been able to raise that in three weeks—four should have been the absolute tops," says Coffin. Specific plans for winning back the audience

must wait until a new programming director is hired (Nanette Rainone, who held the job for more than two years, is about to leave), but Coffin predicts there will be less talk and an increase of more palatable fare such as radio drama. "We somehow developed an orientation to radio that it is to talk on," he says. "My feeling is that it's to imagine off of." Coffin also expects to improve the uneven Watergate coverage out of the Washington Pacifica bureau which is run by WBAI.

The weeks ahead will be rough for Coffin and the remaining staff members as they try to figure out how WBAI can survive without the impetus provided by the tumultuous energy of an unquestionably bygone decade. The station is now further handicapped by the recent departure of News Director Paul Fischer, who maintained the high standards of the news department even during the crisis (see *Rosebuds*, page 2). But Coffin is encouraged by listener response to his August plea for additional funds. "There seems to be a sense among the sponsors that the station has finally pulled itself together and gotten serious," he says.

—T.P.

## Baptism

The Cub Reporter tried to brief himself on the subject he would be reporting on that morning. From a book, *Aesthetic Realism: We Have Been There*, he learned that the people who espouse that philosophy think that beauty and happiness require the union of opposites—freedom and order, logic and emotion, depth and surface—in life as well as art. Prepared to meet the Aesthetic Realists, zealots who have been picketing the New York media, he set out for the 43rd Street headquarters of *The New York Times*.

There he found the leafleters passing out handsomely-printed sheets to all who entered and left the building. The *Times* people accepted the literature with varying degrees of amusement, weariness and annoyance. "You've come here every Wednesday—for how long? asked one. "Aren't you sick of it?" "If you'd only try to find out something about us..." began an Aesthetic Realist, but by then the *Times* man was gone.

Introducing himself to leafleter Roy Harris, the Cub asked him what he had against the *Times*. "Our way of looking at things is that to like yourself, you must like the world," explained Harris. "Most people don't. The press doesn't—they're cold and cynical. They're above it all; they can't really love themselves or anybody. They don't understand the opposites or dimensions in people. The press is all ego and coldness. We have converted 51 men from homosexuality, and the press has ignored us. Why? Because they don't care about what's really happening, only about themselves. Think how happy John Oakes [editor of the *Times* editorial page] would be, and how much more sensitive, if he learned about us."

Two weeks later, the Cub received an

urgent message from his editor. He discovered he himself had become the focus of the latest dispatch from the Aesthetic Realists, entitled, "An Open Letter to Peter Kaplan." It began: "You may not know it but on Wednesday, August 22 you were the first sign of a break in the cold and rather killing front of New York journalism." The leaflet even went so far as to include a paean to his efforts ("Peter Kaplan, you have given us hope./Anyway, we intend to find hope in you./Hope like love can come surprisingly./Who would think it would come from a non-grizzled person of the press...?").

The Cub felt proud. If the Aesthetic Realists prevailed at the *Times*—and now he was certain they would—he would be insured a place in history. And maybe even a job.

—PETER KAPLAN

## Cliffhanger

At 1 a.m. Saturday morning, September 8, representatives of *Newsday's* management and editorial employees tensely began counting ballots to determine whether the latter group would become unionized. The outcome, reached only a few minutes later, was closer than anyone had predicted: 149 for Local 406 of the International Printing Pressmen and Assistants' Union; 138 against. But the results hardly caused jubilation among the pro-union forces for the simple reason that 14 additional ballots remained sealed and thereby excluded from the count. These ballots were cast by persons holding jobs regarded as management by one side and labor by the other.

The 14 include the editorial budget director, three news editors, the replat editor, two photo editors, four executive secretaries ("confidential" secretaries, according to the organizers) and three editorial writers. Under the consent agreement reached prior to the balloting, the 14 were permitted to vote, with the organizing committee reserving the right to challenge their status, if necessary. Pro-unionists argue that news, replat and photo editors are supervisory personnel even though they neither hire nor fire; that the four secretaries are in a separate category because they work closely with top management on sensitive matters; and that editorial writers are extensions of the publisher (as a federal court acting on a Wichita, Kan. case has ruled). Management, of course, disagrees.

Since it's assumed that all 14 voted against the union, four successful challenges will have to be mounted if Local 406 is to win. The dispute now goes to the National Labor Relations Board and could conceivably wind up in court. Which means that it will be several months at least before this cliffhanger is resolved. Meanwhile, the organizing committee is going ahead with meetings to explore what form their contract will take. Declaring themselves the winner, they feel, is the best way to maintain the unionist momentum.

—T.P.

11

1010 WINS

New York Post

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Amsterdam News



(continued from page 11)

Porambo's attempt to obtain the pictures was not for personal aggrandizement but for "very understandable journalistic purposes." And under the circumstances he thought that justice would not be served by Porambo's incarceration.

On April 26, Judge Feinberg sentenced Porambo to 18 months in prison—three to be served in custody and the rest on probation—and imposed a \$1,000 fine. The sentence started immediately. Steve Glauber, a "51st State" reporter-producer who worked closely with Porambo, thinks the very composition of the jury at Porambo's bribery trial undermined his chances for a fair trial. The prospective black jurors were all eliminated during jury selection. As a result, Porambo's lawyer at the time changed his defense strategy and decided not to present the jury with information about Porambo's background, his book or his previous difficulties with the police. "And what's extreme," Glauber points out, "is that the lawyer asked...Mrs. Porambo not [to] show up for trial because she's black and would help prejudice him in front of [the] all-white jury."

Two weeks after Porambo was sentenced, the complaint brought by Officer Gabriel charging Porambo with creating a disturbance was dismissed when the policeman failed to appear at a rescheduled hearing. Both of Porambo's cases had now been acted upon by the courts, but he had gotten entangled in even deeper controversy while his bribery charge was still pending.

A year after he had arrived at WNET, Porambo started investigating the operation of the Public Employment Program (PEP) under Mayor Kenneth Gibson's administration. The Gibson city government had been administering the federally-funded program in Newark since it was established in 1971 to cut unemployment in the ghetto and among Vietnam veterans. City officials, however, had channeled much of the \$9.5 million they received for the program into demolishing scores of uninhabited and unredeemable buildings. In September, 1972, the Essex County prosecutor's office and the U.S. Labor Department began separate investigations into the PEP program following various articles in the *Newark Star Ledger* that outlined administrative abuses. Shortly afterward, PEP was beset with charges alleging no-show jobs, improper bookkeeping and other irregularities. Moreover, the city was accused of knocking down the wrong buildings, making payments to private contractors to demolish buildings that had already been torn down, and paying for work which had not been done.

At the height of the corruption charges, Porambo was approached by Alex Grishkevich, an aide to Mayor Gibson, who admitted stealing PEP documents. Porambo says Grishkevich informed him that he had resigned his job a few days before "because city officials 'kept moving the documents around' to avoid detection by Federal and Essex County investigators." He then gave Porambo 200 documents purporting to show the complicity of City Hall in the PEP scandal. What Porambo did not know was that Grishkevich was fired for snooping through files and for failing to complete assignments. Since Grishkevich did not live at the address he gave Newark officials, the letter notifying him of his dismissal was returned unopened to City Hall, so even Grishkevich may not have known he had been fired.

Porambo immediately accepted Grishkevich as an alter ego despite warnings from friends. Al Levin, a "51st State" colleague, was particularly vehement in his admonitions. Recalls Levin: "The minute I saw [Grishkevich] I said, 'Ron that guy's bad news. Get rid of him! Don't let him come into my office. He's a psychopathic. He's untrustworthy. You are a fucking dumb-dumb for getting involved. These are sleek stories. You're

being used. You're being manipulated. They are not worthy of a guy who wrote a book like you wrote. Get off this. It's trouble.'"

Porambo insists he tried hard to catch Grishkevich in a lie. He claims he waited at set locations to see if Grishkevich would appear whenever he said he was going someplace. He even called the prosecutor's office whenever Grishkevich told him he had a meeting there. On each occasion Grishkevich's credibility was "excellent," says Porambo. But to double check, he took some of the documents to the prosecutor's office to determine whether they were authentic and whether he had a right to use them in his investigative reports.

After seeing the documents and presumably verifying their authenticity, Assistant Prosecutor Alan Silber wrote a letter on Dec. 17, 1972, stating that Porambo had acquired the documents for a "journalistic purpose" and had notified the Essex County Prosecutor's office that he had them. "The Prosecutor's office promises not to prosecute Porambo for receiving stolen property" Silber wrote, "as long as the records are turned over to us at this time and...are in the same condition that they were when Porambo received them." Then in the presence of Grishkevich, a Newark detective and Porambo, Silber verified at the bottom of the letter that the above conditions were met.

Last spring, Porambo produced four filmed reports on the PEP scandal for "The 51st State." He read several of the stolen documents on the air and cited many buildings that were still standing, although contractors had been paid to demolish them. He also charged several contractors and several Newark officials, including Mayor Gibson, with criminal behavior in the PEP scandal. On March 30—three weeks after his conviction on the bribery charge and three weeks before he was sentenced—Porambo was arrested for altering, falsifying and mutilating public records belonging to the Public Employment Program. When Porambo appeared May 11 for a show cause hearing on the complaint he found two more charges attached: the first accused him of libeling Jack Bujac of Bujac Demolitions Inc. by falsifying, altering and counterfeiting records to show that Bujac was guilty of criminal behavior in fulfilling his contract with Newark officials. The second accused him of "knowingly and willfully" stating, delivering and transmitting to WNET-TV employees and viewers certain false, defamatory, libelous and untrue statements about Bujac. The complaint was signed by Judge Nicholas Scalera, who set Porambo's bail at \$5,000. (He was later released on \$1,000 bond.) Curiously, Grishkevich, who concedes his guilt, faces only one charge: that of stealing, embezzling, taking away, altering, withdrawing, falsifying and mutilating public records. It was on Grishkevich's testimony that Porambo was arrested.

Assistant County Prosecutor Joseph Fusco says Porambo will be indicted on the PEP charges this fall. Moreover, an aide to Mayor Gibson says the mayor may file criminal charges against Porambo and Grishkevich if and when the two are indicted. WNET-TV received complaints from Jack Rosenberg, president of Bujac Demolitions, seeking a retraction of the charges made against him in Porambo's reports. Armand Lembo, Newark's Inspections Director, requested a settlement from the station's insurance company. But WNET replied that under the First Amendment no libel had taken place and emphasized that "The 51st State" had reported that the claimants might be wrongly accused because of false documents.

Though the Essex County Prosecutor has not released information concerning his investigations into the scandal, certain details are known. The U.S. Labor Department recently released a report concluding that Newark misused

\$1 million in administering the PEP program. The department requested that the funds be returned and demanded that Gibson dismiss two of PEP's top directors. These officials are the same ones Porambo and *Star Ledger* reporters cited for malfeasance.

Porambo insists he did nothing illegal in the PEP case and maintains, not without a certain plausibility, that the Essex County prosecutor is out to get him—and not just because he attacked Lordi in *No Cause for Indictment*. Lordi is also irked, Porambo feels, because he uncovered evidence in 1971 that seriously upset the prosecutor's position in The Maryland Casualty Insurance fraud case. In this instance, Porambo interviewed the jury after it reached a guilty verdict and found that a juror had been offered a bribe by one of the defendants. When he informed the lawyers and the presiding judge, the lawyers filed a motion for a new trial on the grounds that the jury was "tainted" when it reached its verdict.

When Porambo was first attacked, the media tended to accept the police view of him as a publicity seeker. "I don't know how many times I talked myself blue in the face" said Sig Moglen, a former senior editor at Holt, Rinehart and Winston (publishers of *No Cause for Indictment*), "before I got the papers to carry articles on Porambo." Moglen's prodding persuaded the *Times* to cover the shooting incidents; but beyond that, coverage of the reporter's plight by the New York area media has been spotty at best (*The Village Voice* excepted). Only the *Star Ledger* in Newark has even tried to stay abreast of the story, albeit with a lopsided emphasis on Porambo's arrests. Last June, Ralph Williamson, a vice-president of the New Jersey chapter of Sigma Delta Chi, the professional journalism society, admitted that the chapter has been negligent in pursuing Porambo's case. Todd Hunt, the chapter's president, told *The Philadelphia Inquirer*: "No one's brought [the case]...before the chapter."

Not long after he went to jail on the bribery conviction, Porambo was fired by WNET-TV. Ostensibly, he was lopped off the payroll with many others because of a budget cutback, though some of his colleagues feel Channel 13's management was happy to be rid of him. This view is hardly diminished by Richard Gitter, the station's legal counsel at the time, who says that Porambo was also dismissed because he was incarcerated and "couldn't function as a reporter." Once Porambo was released from jail and could function as a reporter, WNET offered to re-hire him for the 15 months of his probation—but as a researcher "in a non-reportorial capacity outside the news area." Porambo rejected the offer because he felt it insulting.

**N**ot surprisingly, Porambo is once again out of a steady job. Since his release from prison in July, he has worked as a roofer in and around Newark and now takes on odd editorial assignments where he can find them. While thus trying to support his wife and three children, he is also appealing his bribery conviction and preparing his case against the indictments expected this fall. All this is beginning to take its toll. For years, Porambo retained a kind of quixotic naivete despite the windmills he encountered—even in Newark. Inevitably his open, trusting nature left him vulnerable. The cynicism that cripples so many determined and imaginative people is now beginning to surface even in Porambo. With his term in the Essex County Jail behind him, he appears particularly aware of what the odds really are in American society. Porambo doesn't feel sorry for himself, but some of the old energy has flagged. "If I had to sit down and think about the last three years," he says, "I'd go berserk."





## Nibbling at the Bureaucracy

BY THEODORE JACQUENEY

Early this year, NBC News' Carl Stern filed a Freedom of Information Act lawsuit against the Justice Department for access to the authorization documents for an FBI program called COINTELPRO/New Left (Counterintelligence Program/New Left). Stern sued after more than a year of informal inquiries and formal FOI requests were stalled and denied. After a drawn out legal fight, the federal district court in Washington this summer began inspecting *in camera* the documents Stern seeks. A decision is expected shortly.

COINTELPRO/New Left's purpose was to "harass left wing groups—to sort of bust 'em up from within," Stern explains. Documents stolen from FBI offices in Media, Pa., and related sources indicate the program sabotaged a Washington peace demonstration by fabricating a phony black extortion demand, mixed card files on persons offering housing to marchers with random selections from the telephone directory, and set up anonymous telephone calls to college administrators to complain about student activists.

When it comes, the decision in the Stern case may dramatize the value of the Freedom of Information Act for blasting potentially important stories out of the federal bureaucracy. But it also points out problems inhibiting journalists from making full use of the law. For example, Stern obviously was not under pressure to meet a deadline for his two-year effort, and he was personally committed to getting to the bottom of something that outraged him as a citizen. Many reporters cannot indulge in such luxuries.

Sometimes reporters are afraid that using the FOI procedure will make their editors feel they are unable to cultivate better sources of information, says Jack Landau, a Newhouse Newspaper reporter and the chairman of the Reporters Committee for Freedom of the Press. "Stern did not have to worry about this, because he is one of the best investigative reporters in town."

*Theodore Jacqueney is a freelance writer who lives in Washington.*

**The Freedom of Information Act is an enormously powerful tool for investigative journalists, but in the seven years since it became law few reporters have bothered to use it.**

Stern also was not dissuaded when an NBC lawyer reportedly warned him that the Administration might consider the suit a hostile act, and delayed responding to his legal inquiries for months. Instead Stern, himself a lawyer, engaged Ronald Plesser, attorney for the Ralph Nader's Freedom of Information Clearinghouse. Plesser also runs the National Press Club's Press Information Center to provide FOI legal services for reporters.

The Freedom of Information Act was signed into law with great press agency by President Johnson on July 4, 1966, and went into effect a year later. Before Johnson signed the act, however, he moved to cripple it by using his still-potent congressional clout to have Justice Department lawyers participate in drafting the legislative report that would guide future judicial interpretation. In 1967, to control the new FOI process, then Attorney General Ramsey Clark issued guidelines for federal agency compliance broadly interpreting the exemptions permitted under the act.

Even the watered-down version, however, was a triumph for the Special Government Information Subcommittee chaired by Rep. John Moss (D-Calif.), who labored 11 years to pass the legislation. Such bills always had an easier time in the Senate, where Sens. Thomas Hennings and later Edward

Long, both Missouri Democrats who chaired the Administrative Practices and Procedures Subcommittee, successfully shepherded FOI measures through their chamber twice, only to watch them perish in the House.

Between 1955 and 1966 virtually every federal agency and department opposed FOI bills, and moved to compromise Moss' effort with such mile-wide loopholes as an exemption for "inter and intra agency memoranda." To a lesser extent, corporate lobbyists also won exemptions. At least one of these—the Western Oil and Gas Association's exemption on government data locating petroleum wells that could be exploited by rival firms—probably is not unreasonable. Actually, many corporate lobbyists discretely supported FOI reform, for it meant the release of government information that might help boost profits.

The Freedom of Information Act (5 USC 552) wiped out previous legal rulings that let officials demand that anyone requesting government information justify the request. Under the new law, government agencies can refuse to release a document only by citing one of nine exemptions: (1) national defense and foreign policy, (2) internal personnel practices, (3) documents specifically protected by other laws, (4) certain trade secrets, (5) particular internal memoranda, (6) personnel or medical files, (7) law enforcement investigatory files, (8) certain information on financial institutions and (9) locations of gas and oil wells. The law sets up a procedure whereby initial denials can be appealed to the agency chiefs, and then appealed in federal court, with the burden of proof on the agencies to justify their failure to disclose. The first step for newsmen who use the act is usually an informal verbal request.

During the first five years of its existence, the law was crippled "by the footdragging of the federal bureaucracy," maintains Rep. William Moorhead (D-Pa.), who last year heard 142 witnesses in 41 days of public hearings on the effect of the act after he took over the renamed Foreign



Information and Government Operations Subcommittee from Moss. The Moorhead subcommittee compiled statistics on the 2,200 denials during 1967-1971, the first four years of the act, which show that requests by corporations and corporate lawyers were denied 640 times, while media requests scored a distant second place with 90 rejections and public interest groups third with 85, confirming the subcommittee conclusion that commercial interests have been by far the most frequent users of the FoI law.

**L**ack of use by the press is nearly as responsible for the present flabbiness of the law as bureaucratic obstruction, suggests Samuel Archibald, who until recently monitored the law as a one-man Washington office for the University of Missouri's Freedom of Information Center. In recent months, however, journalists have shown a growing interest in the FoI Act. Most often, a reporter will simply tell an official that he is entitled to some bit of information under the act. "It works," says Clark Mollenhoff, the *Des Moines Register's* Washington bureau chief and one of the first active FoI supporters. "There is hardly a month that goes by that I don't have a discussion of the act with someone in the agencies. I find that if you know what the law is and are able to discuss it with the various information officers and lawyers in the departments with any kind of force, you can usually jar loose the information you want."

Jack Anderson associate Les Whitten uses the act in the same way. "When a bureaucrat says 'no,' I sometimes tell him that he had better check with his agency's lawyers, because we are entitled to the information under the Freedom of Information Act. The guy will go to the lawyers and the agency p.r. people, and sometimes they will persuade him to release the information, rather than see us do a story on their violation of the law," Whitten says. Whitten also points up more reasons why journalists do not make more use of the act. "Our life's blood is exclusive information pried out of the bureaucracy, and an FoI suit can't give that. Besides, you would wind up with more lawyers' fees than any story is worth."

Washington Post Managing Editor Howard Simons says that his paper now feels that FoI does merit some legal fees. The *Post* has just distributed to all its reporters a 50-page review of the act, prepared by its law firm, Williams, Connolly and Califano. *Post* reporters were told that "although the act's procedural scheme cannot satisfy the demands of a hot breaking story, it normally can meet the needs of an in-depth investigative study."

One of the best places to start shaking information loose is with William Phillips, staff director of the Moorhead subcommittee. Recently NBC Special News Programs director Daniel O'Connor, working on a project on American entry into World War I, requested affidavits given by three American citizens who had been aboard the *Lusitania* when it was torpedoed by German U-boats in 1915. The affidavits, taken by the FBI's predecessor Bureau of Investigation, reportedly confirmed the official German Government claim that the ship had been carrying munitions, although their observations may have been influenced by pro-German sympathies. For nearly 60 years the Justice Department had refused to release these affidavits, because they were part of "investigatory files." For O'Connor's story, NBC's Washington lobbying office called Phillips, who in turn, called Robert Saloschin, chairman of the Justice Department's Freedom of Information Committee. "I asked him when the indictments on the *Lusitania* case were coming down," recalls

Phillips wryly. Shortly thereafter, the Justice Department's disclosure rules were changed, and O'Connor now has his information.

Unquestionably, the all-time Olympic record for filing formal FoI requests goes to Jack Taylor, a special assignments reporter for the *Daily Oklahoman* and *Oklahoma City Times*. As of Labor Day, Taylor had logged 512 FoI requests with the Defense Department, and still others with the CIA, State Department, HUD, HEW, OMB, and the Departments of Labor and Agriculture. Taylor did not even begin his one-man freedom-of-information crusade until April, 1972, after winning a 2½ year struggle with the Army to release its standard "morning reports" records of the unit commanded by Lt. William Calley Jr. at My Lai.

Based on the reports, Taylor wrote a series of articles in May, 1972, charging that there may have been a cover-up of a Calley AWOL escapade shortly before My Lai, that Calley and about 60 other lieutenants may have been sent to Vietnam illegally lacking a required four-month leadership training course, and that many unit records contradicted the official records of the My Lai proceedings.

At the end of his long fight for the morning reports, Taylor discovered that he had raised more questions than answers. He embarked on a FoI hunt which has led at least one general to complain that the Army would have to staff an office to deal with his requests. Taylor and his managing editor, Charles Bennett (who fully supports him), brush aside the Army's gripes, pointing out that if the Pentagon were more responsive Taylor would not have to ask the same questions so often.

So far, Taylor has produced FoI stories linking the CIA's Phoenix program efforts to eliminate the Viet Cong civilian support organization to the My Lai massacre, has seen the Army release lists of civilian contractors barred from future commercial dealings for reasons of fraud or incompetence, and has forced the Pentagon to admit that it has reports of eight near-accidents involving chemical-biological warfare materials (though the military still refuses to release the actual reports). The bulk of Taylor's FoI requests are now aimed at getting the report submitted by the Army commission headed by Lt. Gen. William Peers after investigating the My Lai cover-up. The Army has repeatedly refused Taylor's FoI requests, and Rep. Les Aspin (D-Wisc.), has filed a FoI suit to release it.

Taylor offers two FoI tips. First, study the law, the Attorney General's 1967 implementing report, and the information disclosure regulations maintained by each government department. Taylor himself keeps 14 constantly updated ring notebooks containing this information. Second, Taylor sees to it that others concerned about FoI activities are kept abreast of his efforts. Every time he writes an FoI request letter, he sends copies to the White House Communications Director, to William Phillips of the House FoI subcommittee and Thomas Susman of the Senate subcommittee, to the Freedom of Information Committees of the American Society of Newspaper Editors, the Associated Press Managing Editors Committee, Sigma Delta Chi and the Joint Media Committee, as well as Ronald Plessner and Samuel Archibald.

**T**he potency of the Freedom of Information Act has been gradually increasing—mostly due to court decisions. The courts have generally supported FoI suits when the government cannot cite national security or investigatory file exemptions. And surprisingly, neither of these is the most

frequently cited by government officials withholding information. Internal memoranda and trade secret exemptions are the most common.

The record of the first 40 FoI suits during 1967-1971 shows that the government lost all six times it argued the trade secret exemption in court. The government also lost 60 per cent of the cases in which it tried to protect bureaucratic papers by labeling them internal memoranda. FoI denials were reversed by the courts, at least in part, 57 per cent of the time.

Successful suits include two filed independently by the *Nashville Tennessean* and the *Philadelphia Inquirer* that forced the Department of Housing and Urban Development to surrender copies of local FHA appraisals and the names of appraisers of federally assisted housing. The *Tennessean* suit illustrates the tenacity required for successful FoI litigation. Suspecting that a blind homeowner was swindled by a 150 per cent overappraisal of his newly purchased home, *Tennessean* editor John Seigenthaler requested disclosure of the appraisal data from HUD, and sued when they refused. Ordered to turn over the appraisals by the U.S. district court, HUD presented illegible copies. Seigenthaler publicized HUD's calculated evasion of the law by publishing the unreadable copies, an explanation of the suit and photos of the blind homeowner helplessly poking his arm into the cracked wall of his shoddily constructed house, and then took HUD to court again. After battling it out in district and then appeals courts, Seigenthaler got the information.

Nursing home inspection reports have been sprung from a reluctant Social Security Administration in separate cases filed by Malvin Schecter, Washington editor of *Hospital Practice*, and Douglas Campbell, an investigative reporter for the Camden, N.J. *Courier-Post*. After winning one suit to obtain data on eight Washington area nursing homes, Schecter has had to return to court asking for the release of still others. Schecter maintains that his use of the law has helped him obtain useful information, and has a carry-over effect in getting government data for still other stories, despite the frustrations of having to educate a government agency on how legal precedents function.

*Hospital Practice*, founded in 1967, can afford court costs but not normal legal fees, said Schecter, discussing a problem commonly inhibiting FoI litigation by less affluent segments of the press. Schecter turned for legal aid to Ronald Plessner. Besides litigating the suits, Plessner helped Schecter obtain military hospital inspection reports from the Defense Department without legal action.

The House and Senate are now considering bills introduced by Moorhead and Sen. Edmund Muskie to close some of the more glaring loopholes in the 1966 act. Proposed legislation would require government agencies to respond to initial FoI requests within 10 days, with another 20 days permitted for appeals, and 20 days more allowed for response to court suits. In January of this year, the Supreme Court's *Mink v. EPA* decision, denying 33 members of Congress access to nuclear test data, showed that the national security exemption as written leaves the courts powerless to examine documents with national security classifications if officials stipulate that they were properly classified. Under the proposed new bills, courts could examine classified documents and release them if the claimed national security exemptions are improper. Although some loopholes will likely remain—nothing significant is being done to end excessive document search and copying charges, for example—the bills take a particularly important forward step in authorizing



successful FOI litigants to be fully compensated by the government for standard lawyer's fees.

On July 11, newly appointed Attorney General Elliot Richardson informed all other government agencies that the Justice Department will no longer defend them in FOI cases unless they consult the Department's five-man Freedom of Information Committee before denying final FOI appeals. The committee, in existence since 1969, now openly seeks to centralize its control of FOI cases by persuading other government agencies not to litigate losing FOI cases which create strong precedents for disclosure. Nevertheless, many FOI supporters see this and other new Richardson moves as possibly indicating an unprecedented effort by the Nixon Administration's Justice Department to comply with the law.

## Scandal. . .

(continued from page 1)

supply dumps and base camps in Cambodia for the first time." The story did not say how many raids were being carried out in Cambodia, or how regularly, or whether the raids meant an entire new bombing campaign. Instead, this rather offhand disclosure left the impression that there were some spot bombings going on and that we would hear more about it if something bigger were afoot.

Some reporters believe that Beecher, known as a Pentagon ally, actually intended to help the Administration with the story by signaling a new "get tough" Nixon war policy that might make Hanoi negotiate. If so, Beecher was an overzealous flack because his mention of the Cambodia bombing served notice on the Administration that the "special security" measures had failed and that Nixon's most closely held secret had already splattered onto newsprint. This story is now cited by Kissinger as one of the main reasons for the famous 17 wiretaps, one of which was placed on William Beecher's phone.

Apparently, government officials liked what they heard Beecher say, for he was hired to cross the gray line and become Deputy Assistant Secretary of Defense for Public Affairs. In other words, he went over to the other side, where his job is now to help Jerry Friedheim fend off press inquiries. Whether his sympathies explain things or not, he did not follow up his scoop with information on the scope or significance of the bombing.

*Newsweek* broke the only other story during the 14-month campaign in a June 2, 1969, *Periscope* item entitled "The Secret Bombing of Cambodia." In four sentences, *Newsweek* capsulized the salient facts—the super secrecy, the falsified battle reports, and the presidential responsibility for the orders. But even this tantalizing revelation failed to stir up a press inquiry. The next printed reference to the story came in the August 20, 1973, *Newsweek*, where the little paragraph from '69 was reprinted to prove that *Newsweek* had been on top of the matter for four years. The fact that a cover story had remained submerged in the *Periscope* did not seem to mar the spirit of self-congratulation.

Other than these two isolated tidbits, the secret bombing story went nowhere in the press. Seymour Hersh of the *Times*, who was far and away the most thorough reporter on the story when it finally came out this year, says he can't imagine why reporters in Vietnam did not pry out the details by pumping the B-52 crews, searching for embassy leaks, flying over Cambodia, and the like. His best guess is that reporters did not believe that so unconstitutional a policy was possible: "I just

Even more important is an August federal appeals court ruling ordering the government henceforth to present detailed analyses of the reasons for denying FOI requests rather than generalized reference to the 1966 act's exemption categories, and requiring federal agencies to specify "which portions of a document are disclosable and which allegedly exempt." The *Vaughn v. Rosen* decision also permits trial courts to designate a "special master" to sift through pertinent documents in a FOI lawsuit. A major breakthrough for judicial review of FOI disputes, the suit was litigated by Ronald Plesser for an American University law professor seeking access to Civil Service Commission reports. Plesser's Freedom of Information Clearinghouse is budgeted at nearly \$50,000, almost double that of last year,

don't think anybody could conceive of the United States systematically bombing a neutral country with which we are not at war."

Most reporters who worked on the story in 1969 advance just the opposite interpretation: bombings in Cambodia were so likely that they weren't even news. It was assumed that we were bombing all over Indochina, just as it was assumed that the body counts were inflated and that the light was not at the end of the tunnel. Lloyd Norman, the veteran *Newsweek* Pentagon correspondent who dug up the '69 *Periscope* item, explains that the Cambodia story seemed like a very small part of the war in 1969: "It was just brushed off as another one of the facts of life. We're bombing the border areas. What's new? There was no great public uproar."

With this perspective on the raids, which were thought to be minor and sporadic rather than massive and sustained, reporters were content to investigate simply by asking the Pentagon what was going on. "We knew that the bombing was going on," says Norman, "and we kept asking... We repeatedly asked the Pentagon in those days about the reports of bombing in Cambodia. And as recently as last May, I called and asked, 'when the hell are you guys going to give us the statistics on bombing in Cambodia and Laos?'" Norman finally got his statistics in July, just before the big story broke, and the numbers were falsified to show no bombing at all in Cambodia during the secret campaign. "The guy who sent me the stuff didn't know himself that there were all those omissions," Norman sighs.

William Thomas, editor of *The Los Angeles Times*, agrees with Lloyd Norman's view that the Cambodia story was not judged to be worth much investigative time in the climate of 1969: "I think several reporters probably made one good hard stab at it," he says. "They came up against a blank wall, and then had to go back and cover the rest of the war."

So much for 1969. Things were different this year, as parts of the press came out blazing in their best Watergate spirit. Sy Hersh hit with a big scoop in the *Sunday Times* of July 15, revealing that former Air Force major Hal M. Knight would tell the Senate Armed Services Committee how he had helped doctor reports to hide the Cambodia bombing in early 1970. Knight's confession had some of the cloak-and-dagger excitement that had given dramatic flair to the Watergate story. He told Hersh that he had worked at a radar installation in Vietnam, helping to guide U.S. planes to their targets. Every day, said Knight, an airplane would land at his base bringing secret orders

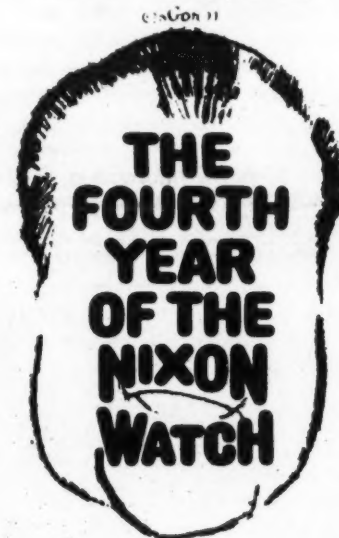
with most funds coming from a Stern Foundation grant. The new funds will permit Plesser to expand his FOI assistance to journalists. He intends to spend much of the remainder of the year traveling and speaking to newsmen around the country to step up press access to federal, state and local government information.

One hopes that the media get the message. For as a growing number of reporters around the country have shown, the bureaucratic files at every level of government contain grist far more telling than the stuff that now constitutes most of daily journalism: handouts, speeches, charge/counter-charge. Hundreds of page-one stories await only the enterprise needed to pry them loose, and the Freedom of Information Act is an increasingly effective lever.

for raids in Cambodia, which his subordinates would run through the computer to obtain coordinates and a flight plan for the secret mission. Knight's outfit would then divert the B-52s from

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their "cover mission" in South Vietnam and send them over Cambodia. Knight would report the cover missions as having taken place, and he would burn the secret orders and the computer material for the secret runs. Finally, he would call a phone number in Saigon and tell an anonymous listener that "the ball game is over." It was a role that Howard Hunt could have played comfortably.

Hersh wrote six front-page stories in the first seven days of the scandal—outraged senators, admissions that the raids took place, the magnitude of the campaign (three thousand sorties as compared with General Lavelle's twenty-five), denials from Administration officials that they had anything to do with a phony reporting system. The networks jumped on the story. ABC ignored the Knight testimony on July 16, but picked it up the next day, when the Pentagon admitted that the raids had taken place.

Soon, however, the media pattern became clear. Hersh would write every day on page one—overshadowed by Watergate, since the story broke in the same week that Alexander Butterfield revealed the existence of the Nixon tapes. He would dig a story out somewhere, calling people like Kissinger, Laird, and Wheeler for comment. The networks would run a story only when there was something to be photographed—either at the Senate hearings or at a Kissinger press conference. Sometimes ABC would have nothing, while the other two networks ran the same story. On July 19, for example, NBC and CBS picked up that morning's Hersh story on Melvin Laird's denial that he knew of the false reporting system or who was responsible for the raids. ABC was silent. Similarly, on Monday the 23rd, ABC neglected the story run by Hersh and the other networks—Senator Symington's charge that the money to pay for the secret raids was obtained illegally.

Some newspapers, such as *The Boston Globe* and *The Washington Post* fell right in behind Hersh, but others virtually ignored the story. *The Chicago Tribune* ran two front-page articles the first week and then imposed a three-week blackout before an August 8 story on page 7 picked up the Senate testimony of George Moses, who described his participation in secret bombings more than 75 miles inside Cambodia, after the 1970 invasion. (The Pentagon confirmed this story on Sept. 10.) The *Trib* then went back to sleep until August 11, when the Pentagon released a Nov. 20, 1969, memo from Earl Wheeler to Melvin Laird asking clearance to continue the secret B-52 raids, with simultaneous sorties in South Vietnam to confuse the press. "Strikes on these latter targets," observed Wheeler, referring to the cover missions, "will provide a resemblance to normal operations thereby providing a credible story for replies to press inquiries." This memo, classified TOP SECRET-SENSITIVE-NOFORN-EYES ONLY-ABSOLUTELY FOR EYES OF ADDRESSEE ONLY, was not written for the general public, and it appeared to put Laird and Wheeler in a bind regarding their denials of involvement with the false reporting system. Not so, said Laird. He had ordered the concealment of the truth from the Congress and the press, but not the outright commission of a lie. If asked about the bombing, those few who knew were supposed to obfuscate, profess not to understand, divert attention, and otherwise search for the slimmest excuse to give a slippery answer—but they were not supposed to lie. They were to deceive without being dishonest, to be sneaky without being crude, to grasp at any polite evasion short of a dishonorable falsehood—all of which General Wheeler said he would have tried on the golf course, although the straight-shooting general said he would have lied if



"Sy Hersh has mustered enough skill, passion and Puritan discipline to keep Cambodia on the front page of the Times almost every day from July 15 to July 31."

necessary.

The Laird story made page one all over the country, but the *Tribune* ran it on page 14, with emphasis on Laird's defense: "Laird said the bombing was kept secret to protect the lives of American troops and because the Cambodian government would have condemned the raids and demanded a halt to them if they had been made public." The whole thing had a Watergate air about it, with big officials grimly walking a tightrope of legalisms that separated a lie from a "legitimate covert activity."

Nevertheless, the *Trib* dropped the story the next day without bothering to editorialize. That is not so surprising, but it is puzzling that *The New York Times* fell to silence also. These papers, each of which often roars about stories that the other plays down, agreed that the Cambodia bombing story was dead.

Sy Hersh had mustered enough skill, passion, and Puritan discipline to keep Cambodia on the front page of the *Times* almost every day from July 15 to July 31, when he reported General Wheeler's Senate testimony that it was President Nixon himself who ordered the secret bombing and the special precautions against disclosure. Having treed the head raccoon, the press hounds had no more ground to cover or questions to ask. It was as if Nixon had personally gone down to the jail to bail out Liddy and his spooks, taking full responsibility for his hit men. The only remaining question was what anybody was going to do about it, and no one was making news on that issue. Hersh went off to report on the CIA's psychological profile of Ellsberg, and returned to the story a week later when the Senate served up more testimony—veterans speaking of hospital bombings, Moses on the deep raids, and Deputy Defense Secretary William P. Clements (who released the Wheeler-Laird memo). After four stories, culminating in the Laird revelations, Hersh left the Cambodia story

for good. Thus, the reporter who had put more energy and more copy into his first couple of dispatches than *The Chicago Tribune* devoted to an entire month of the scandal joined the *Tribune* on the sidelines, resigned but not indifferent to the demise of the issue. The networks and most other newspapers negotiated a middle course to the drop-off after the Laird story. They leaned heavily on the Senate hearings for drama and photogenic news, didn't bother to go filling in the journalistic cracks, and faded away when the hearings ended for the Congressional recess.

I have surveyed the coverage in *The New York Times*, *Newsweek*, *The Chicago Tribune* and *The Los Angeles Times* in an effort to determine why this scandal bit the dust without a resignation or a lost stripe or even a reasonable amount of political chastisement. My best guess is that the story of the secret bombing fell prey to four great flaws of journalism: No Build-up, No News Peg, No Sex, and No Hope. There is a normal amount of media sloth and dullness behind these categories, but it seems, on balance, that the coverage was dampened by iron laws more than by the human factor.

#### NO BUILD-UP

"If there are some disclosures yet to be made, then the story might take off. But if there aren't, it will just die. The whole story came out very quickly."

—William Thomas, Editor, *LA Times*

Experience shows that there are three ways for a President to get rid of a brewing scandal. The first and most popular is to ride it out, saying as little as possible, until the jackals in the press and the political opposition get tired and move on to other things. The second is to confess to all the



facts and say you're sorry. The third is to confess to all the facts and say you would do it again.

By most accounts, President Nixon got into trouble on Watergate by sticking to number one when he should have worked in some number two. By the time of the Cambodia disclosures, however, he had gone to school. So when the story appeared to die out after the Laird revelations on August 10, the President was not fooled. He knew the scandal had created more shock waves in the first month than Watergate had, and that there were still some unanswered questions on the familiar theme of his own personal view of the matter. The press might be playing possum, so the President decided to strike with a strong dose of number three. He took everyone by surprise and brought up the scandal himself—journeying to New Orleans, where he roused the woolhats of the Veterans of Foreign Wars with the proud announcement that he had personally ordered the secret bombing to save American lives in the war that he had ended but not started. He would do it again, he said. And furthermore, it was approved by the American people, such as the father who wrote in to tell the President that he had blamed his son's death on the President's failure to attack the Cambodian sanctuaries, but he no longer blames the President after learning of the clandestine bombing.

**N**ixon's emotional speech got big play at *The Chicago Tribune*, where the editors had been helping their readers forget the scandal. They were obliged to render their first editorial on the subject, which revealed their tortured position. As much as the *Trib* likes Nixon's war policies, said the editorial painfully, the President's speech avoided the focal issue of secrecy—secret war, secret bombings, secret reports, secret military cadres. The question is not why the bombing, but why the deception. After forcing out this censure, the editors went on to give thanks for the tumultuous reception Nixon received in New Orleans. Although the *Trib* editors seemed sorry that they had to reproach their man in print, they could rejoice privately that he was on politically solid ground.

At *The New York Times*, the editors found themselves in precisely the opposite situation, as they suffered from a classic Pyrrhic victory. They could flagellate the President all they wanted on the nonsense and evasions of the speech, but they were in a hopeless political position. Nixon had erected his battlements around the wisdom of his victorious war policy, and no newsman in his right mind would engage in a printed argument about the Indochina War. No one wanted to hear about it, and it didn't matter that the President had slanted the debate. The scandal was beyond disentanglement. So the editors at the *Times* came forth on August 24 with a long, passionate editorial denouncing the Nixon speech. They made roughly the same points as the *Tribune* editors, but they wrote with the thoroughness and finality of people who did not expect to return to the subject.

Nixon thus forestalled the possibility of a press build-up on the secret bombing. Before the media could make up its mind about the scandal, much less roll out the big artillery, Nixon forced a showdown and won. It takes a long time for a scandal to organize the press. In the *Times* of July 30, which broke the Cambodia scandal in less than a page, there were no less than eight full pages on the Watergate tape controversy—complete with constitutional analyses, a technical guide to the bugging, and so on—plus more than two full pages on the Senate testimony of witnesses like Kalmach, and one full page previewing the testimony of

Ehrlichman and Haldeman. It takes time and commitment for an institution to produce such coverage, and the Cambodia story was stopped up before it had even fermented in the brains of the columnists.

#### NO NEWS PEG

"I don't know that there's any news in it now... Who's going to sue President Nixon for bombing some peasants in Cambodia?"

—Clifton Daniel,  
Washington bureau chief, *New York Times*

To offset the Nixon offensive, the press needed an enormous amount of novel, exciting material to get the matter away from the Nixonian trap of a debate on war policy. But no one came forward to make the news. Senator Hughes of Iowa, who had carried the ball, announced that he was retiring from the Senate to give his life to the Lord, and this ruined him as a news source. No scandal can get anywhere on stories with the obligatory opening: "Senator Harold Hughes (D-Ia.), who recently announced that he would retire from the Senate to do spiritual work, charged today...." Hughes was out, and nobody else cared enough to risk a political neck with the war already over and Watergate brewing away. "I haven't heard any major politician in this town say anything about Cambodia lately," says Clifton Daniel. "Nobody's making news."

Of course, the news can sometimes get nudged along, but that requires great motivation on the part of the reporters. And most of them felt in tune with the presumed public attitude on Cambodia: so what? "I haven't seen a single piece of paper come across my desk saying let's do something about Cambodia," Daniel explains. "The problem is that there's a 'thank God the war's over' feeling," says Max McCrohon, managing editor of the *Tribune*, in agreement. Even some reporters who like abstract Constitutional stories believe that the Cambodia scandal is old hat. The big issues—official lying, secret war, secret bombing—are the issues of the Pentagon Papers, and no one tried to do anything about them. The secret bombing is not newsworthy, because it contains no fresh Constitutional outrages.

The one possible exception here is the issue of the security cliques inside the military. This preoccupied the Senate Armed Services Committee, which had just completed an investigation of the Lavelle case, in which General Lavelle bombed North Vietnam on his own by ordering his subordinates to falsify the bombing reports. He told the pilots that it was all approved by higher ups, and that the plan was so secret they could not discuss or check it out with anybody. Cambodia was bombed by the same method, except that the President *did* approve the secrecy and the raids—a fact which no one down the line could be sure of.

The Senate was concerned with Congressional control of the military, as well as with adequate control *within* the military, but this question did not catch on in the press. It is far too complicated, say the reporters. So the public did not read accounts of the explosive fail-safe controversies at the hearings, such as the following exchange between General Wheeler and Georgia's Sen. Sam Nunn:

NUNN:

So Major Knight is sitting down here without any knowledge of what is going on, knowingly bombing Cambodia and reporting it as South Vietnam. And yet if you, as Chairman of the Joint Chiefs of Staff, had

Most schools perpetuate the lie that girls are innately sweet and domestic while boys are tough and aggressive. Barbara Grizzuti Harrison was one of a group of parents who set out to change this state of affairs in the school their children attend. The parents were black, white, feminist, anti-feminist, and they had a lot to learn about getting along with one another. As you'd expect, Ms. Harrison does a first-rate job of reporting the experience.

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asked him what he was doing he would not have been able to properly respond and give you accurate information?

WHEELER: That is the way he should have responded. Whether he would or not, I can't say.

NUNN: How can you run an Army with an operation like that?

WHEELER: His next immediate superior is the man for him to break to.

NUNN: General, if there is one break in that link, the whole chain comes falling apart.

WHEELER: It wouldn't fall apart long, in my opinion.

NUNN: It has. In the case of Lavelle, it fell apart for quite awhile.

WHEELER: As I said, that too was corrected in due course.

NUNN: General, in an age of nuclear war, due course is not enough.

The hearings are dotted with these military questions, too abstruse for general consumption. In fact, the military nature of the Cambodia scandal hurts press coverage in several ways. The Pentagon is much less teeming with leaks and sources than CREEP and the FBI were for Watergate. The Armed Services committees have a firm jurisdictional grip on military investigations, and they are known for the gentlemanly, informal approach to disputes with the Pentagon. (Senator Nunn may ask tough questions, but he almost always votes with the uniform and avoids the soapbox.) Also, it is difficult to raise much blood pressure beating the drums against secrecy, because, as *Newsweek's* Lloyd Norman observes, "the American public generally accepts secrecy in military affairs." Finally, the story is weakened because potential wrongdoing is in the hands of the military command and the courts-martial, instead of the Justice Department. Nothing has stimulated reporters like the handcuffs and trial scenes of Watergate, but there will be no such drama in the Cambodia scandal because the military will not prosecute. The Pentagon can be a hostile environment for human interest and hard news.

#### NO SEX

"It just isn't sexy enough for the American public to get worked up over."

—Lloyd Norman, Pentagon Correspondent, *Newsweek*

The basic building block of Watergate has always been the original arrest—a stickem-up affair with bugs, burglar's tools, rubber gloves, mysterious cash, and walkie-talkies. So the starting point of the scandal was the D.C. pokey, and The Question that rises above the Constitutional issues has always been whether the President was directly associated with that undignified handcuffing, burned into the consciousness of every tabloid-reading citizen. The fundamental mistake of the white-collar criminals in the Nixon Administration was to get involved in a caper with the explosive, blue-collar connotations of *burglary*. Few voters are unable to comprehend a crime like that, and most have no trouble relating to it negatively.

From this sound journalistic foundation, the Watergate story pushed into a bonanza of scintillating items—laundered money, red wigs, dirty tricks, political espionage, Perry Mason riddles, the trial, the dramatic letter, the stern judge, the great shrink heist, NIXON BUGS SELF,

Senator Sam, on and on. Against this panorama of human drama, the Cambodia scandal pits gray military automatons at work in the distant reaches of the world. Many people check their memory to make sure they haven't heard that story four or five years ago, because over the last seven or eight years they have become accustomed to that kind of activity as the soft metronome of reality. In this case it's no longer reality anyway, so why work up the discipline for sustained anger?

There's no question that the secret bombing lacks sex appeal, one of the primary raw materials of the press. What tidbits there are have been either overlooked by reporters or passed over for reasons of taste—General Wheeler testifying that the secret bombing, code name MENU, took place in areas of Cambodia designated as BREAKFAST, LUNCH, DINNER, SNACK, and DESSERT. Major Knight's cloak-and-dagger work was second-rate material compared to Watergate.

This issue of the entertainment quotient in journalism is a delicate one for editors. Certainly, they don't think the news and opinion side of the media should merely pander to the crass entertainment needs of the public. If they did, how would we account for all the impenetrable oatmeal on the editorial pages? No, the newspaper or network must stand for something and fulfill serious obligations, and most readers approach a journal like *The New York Times* at least partly with a sense of duty. A story like Cambodia obviously has to go on the duty side of journalism, which is unfortunately not the right channel for a mushrooming scandal. There are no clear answers in the balance between duty and the market, but well-established media should always guard against patronizing their readers by withholding weighty stories on grounds that Nixon used to make the bombing secret in the first place.

**T**he only remote hope for pumping some life into the Cambodia story resides, ironically, in one of the least reported aspects—the possibility that one of the participants will be prosecuted for falsifying military reports. This admittedly occurred, and it is proscribed by Article 107 of the United States Code of Military Justice. At present, however, prosecution has been ruled out and the falsification justified as simply following orders. As Air Force Chief of Staff George S. Brown told the Armed Services Committee: "For falsification to constitute an offense under Article 107, there must be proof of 'intent to deceive.' This is a legally proscribed element of the offense under the article and is negated when the report is submitted with orders from a higher authority in possession of the true facts." This means that you can lie to Congress and unauthorized superiors if ordered to by an authorized superior.

#### NO HOPE

"The fact of the matter is that we can't do anything about it."

—Clifton Daniel

Daniel is right: no prosecution means no scandal, which means no reform. The story has been overshadowed by Watergate, sealed off by the military, deflated by public boredom, and bowled over by Nixon. But the secret bombing is still uncovered relative to its importance, and the press has been undersensitive to the military implications of the Lavelle case and the secret raids. While the actual bombings should inflame those who opposed the war, the methods used raise

essentially conservative issues—images of haywire plots and secret garrisons, defiance of the Constitutional powers of Congress in a scheme so elaborate that even the classified secrets are lies.

The press can always resolve to do better, but it can't necessarily make any difference. Watergate showed that the media can surmount complexity, but Cambodia showed that it is helpless in the face of boredom—that the media can foster justice only so long as the story is prurient. This causes problems as nastiness learns to look dignified and impersonal. For years a drab machine was not even noticed as it poured out its atrocities on Cambodia—where Americans had neither friends, relatives, nor private property to care about.

## COLUMN TWO

(continued from page 2)

when he got cut off). But what was he delivering? A replay of the whole Ellsberg break-in, that's what.

He had about five very hard facts—indisputable even, because the President and one of the two finest public servants he had ever known were their source—and he was hooking them together into some trap of a question. The President knew before it was sprung that he did not want to get caught in it. With close to 150 words of narrative already behind him, Rather had the strength to go on. "Now my question is this. That while the Pentagon Papers trial was going on Mr. Ehrlichman secretly met once with the judge in that case, you secretly met another time—the judge with Mr. Ehrlichman—now, you're a lawyer, and given the state of the situation and what you did, could you give us some reason why the American people shouldn't believe that was at least a subtle attempt to bribe the judge in that case and that it gave at least the appearance of a lack of moral leadership?"

As a debating exercise, and I hope nothing more serious, I was identifying very strongly with the President by the time Rather ended. I had my answers ready along with the assumption that what was mine was his, etc. (Listed below in order of preference are suggested answers to heavily-loaded questions above.)

1. No.

2. *Nope.* (Difference here is that the more discursive variant has hayseed overtones found winning by the effete who are becoming multitudinous.)

3. *What kind of a chicken-shit question is that to ask the leader of the Western Alliance?* (Admittedly, this counter-inquiry was used before by the 35th or 36th President of the U.S., the Texan one. But these bleak days originality is not all it was once cracked up to be. And think of the mask the man would have been dropping, and how in the hearts of his countrymen the stock of the Commander-in-Chief would soar.

But did the Commander-in-Chief go with any of my choices? No and no and, lamentably, again no. He began even more ruin-bent than Rather. "Well, I would say that the only part of your statement that is perhaps accurate is that I'm a lawyer." I rang for the grammarian again to have my reading of that checked but there was no way around the results. I knew the man of San Clemente was not the closet quarterback for the Redskins, and not much at small talk before dawn at the Lincoln Memorial, but I attributed these failings in the realm of the essentially trivial to his hard life as a grind in joyless settings where every wall he looked on was banked with *corpus juris*. I



never had them before, but here he was planting big seeds of doubt in my head that he was even a lawyer at all, at all. Did Mudge, Rose, Guthrie & Alexander know that before they put the name Nixon up front for a while. That's the narcosis that sets in from looking too closely at transcripts of loose talk.

But on with it, to see what the presidential reply imparts to us about Rather's question. If only the lawyer line in it is perhaps accurate, by simple conversion (I think that's all I'm up to here) and by presidential ukase (that's all he was up to), everything else Rather said is probably inaccurate. Which means God's gotta help because everything fessed up to so far by Oval Office sorts about the Ellsberg case, including the break-in at his psychiatrist's office, and the FBI Director job offer to Judge Matthew Byrne, and the attendant tanglings Rather listed, all those are not what we were told they are, even if the President did much of the telling, and Ehrlichman the rest. What can be made of this except that when the Commander-in-Chief speaks he does not hear what he says. Well, who does?

So let us not bow and go away, when we can push through thicker murks to that enlightenment only a press conference can confer on us. Rather had Nixon meeting secretly at San Clemente with the job-applicant or job-offered judge (insoluble, that one, until Byrne doesn't care about getting ahead) and the President would have none of the story stand as the correspondent spelled it out. It was not a secret meeting, it was a brief one, he said, which is one of those model specimens of stunning guff that sounds coherent for an instant when it issues from behind a lectern that has the presidential seal on its front. "I met him for perhaps one minute outside my door here," the tenant-in-residence said, "in full view of the whole White House staff and everybody who wanted to see." It left me with the feeling that after a handshake and a few jollities outside the western Oval ("That traitor a big enough job for you, Judge, or do you feel you're the man to take on a bigger one?"), Ehrlichman took Byrne on a tour of the house before they went for a swim in the pool with Julie and Trish and the boys. But back to the big meeting. Whether that was outside an inside office door, or outside the outside door to the house, unless the house has no walls, or its walls are all glass, the judge was not met in full view of the whole White House staff.

Still, I suppose it's true in the narrowest sense that everybody who wanted to see them meet managed to. A complete list of those who knew they would meet would be the same as a complete list of those at the meeting. Since nobody I knew had the cynicism it takes to foresee summits of that exquisite usefulness, I'd have settled for a *post hoc* entry of the judge's name in the official White House caller's book. Then those of us who missed knowing in advance about the meeting would at least have known the next day that it happened. And then Ellsberg's defense could have had the case thrown out of court, or the judge, weeks earlier. That would have saved a lot of federal cash needed for bombs in Cambodia.

Nixon ended a few hundred dismaying words later with assurances that Rather had now been told what had happened. "Obviously you in your commentary tonight can attach anything you want to it. I hope you will be just as fair and objective as I try to be in giving you the answer."

On a CBS news show later that night Rather was asked if he thought his question had been answered. "No" he said. "I don't think the President dealt directly with the question which basically had to do with the ethics of what he did, the morality of what was done. This is the central question." Certainly the President could not ask

for a commentary to be more fair and objective than that, now could he? And it was filled with due respect and stated as directly as possible.

The San Clemente set-to did not seem worth much introspection to Rather until a few days later when he realized that everybody he talked to thought the President had set out to humiliate him. Just to clear up that, Rather decided to raise that matter with Ron Ziegler, who gave the question some thought before he answered. "Maybe he was trying to put a needle in," Ziegler said finally. "But he was not being nasty. You know, he's never nasty."

## (HELLBOX)

(continued from page 2)

network that buys space through TV Log. One such study of "The Ice Palace," a CBS 1971 summer replacement, shows, according to Moss, a 50 per cent share increase in Los Angeles between the first week (no Log advertisement) and the third (saturation advertisement). In New York, with only peripheral coverage (New Jersey and Westchester), there was a 14 per cent share increase.

Helping to boost ratings, no doubt, is the fact that the ads look as though they are highlighted portions of the paper's listings—not advertisements at all. The *New York Post* clearly marks the paid promo with an "ADV," as do the *Philadelphia Inquirer*, the *Denver Post* and the *Minneapolis Tribune*, among others. But a number of papers rely solely on such devices as a star that is sometimes, but not always, keyed to an explanation; 1-point rules above and below the blurb, and a bold type face that TV Log suggests be two points larger than the regular type. The *Chicago Sun-Times*, for example, used a star, 1-point rules, and bold upper case for its blurbs, and this seems sufficient to TV editor Lou Pupich. "As long as there's some sort of indicator, people will know it's an ad," he said. "There's just no way people can mistake it, especially because of the way it's written, like 'Wow! Look what's on channel 7 tonight.'"

Pupich, however, seems to overlook the subliminal effect of the advertisement on the casual reader who is concentrating his attention on whether to watch "Hawaii Five-O" or Merv Griffin. He isn't likely to notice the code that's meant to keep the TV editor honest. And though most papers do use a star or some other symbol keyed to a disclaimer, that disclaimer is sometimes buried in obscure places. Readers of *The Los Angeles Times* have to look for it at the bottom of about an inch and a half of tiny type under the list of station call letters. The *Cleveland Plain Dealer* puts its disclaimer at the top of the page, the *Houston Chronicle* at the bottom. In both cases, the disclaimers are nowhere near the prime-time listings where the TV Log blurbs are most likely to be. As for the *Bergen (N.J.) Record*, which bills itself "Friend of the People It Serves," sometimes it has the disclaimer in one spot, sometimes in another, and sometimes not at all. Finally, most (but not all) TV Log blurbs include the name of a sponsor. But how much of an impression can this make on a reader who's not expecting an ad to be lurking amid "Gunsmoke" and "Here's Lucy"?

The *Chicago Sun-Times'* Pupich is at least willing to justify what goes on his page. Irene Foley of the *Boston Globe's* TV department said questions about TV Log policy (a star, 1-point rules, and a type size that is, oddly enough, considerably smaller than the editorial copy) should be directed to the advertising department. "It has

nothing to do with us," she said. Asked about the *Bergen Record's* erratic disclaimer policy, TV Editor Carolyn Clark replied, "I just do the shows."

Not surprisingly, National TV Log seems unconcerned about the somewhat deceptive character of its blurbs. "It's up to the paper to put in a disclaimer," said Moss. "As far as sales go, I don't really care."

—LESLEY GOLDBERG

## Going After Gulf

Since its establishment in 1940, the all-black National Newspaper Publishers Association (NNPA) has routinely accepted donations from major white corporations to defray the cost of its annual convention and mid-winter workshop. White businesses have picked up the tab for most of the dinners, receptions, exhibits and awards given by the largest all-black press organization (120 members) in the country. "As much as we might like to get away from these sources of income, they are the only ones presently available," wrote outgoing NNPA President Garth Reeves in the official paper for the 1973 convention, held in June in Houston. "Hopefully, in the future, efforts will be made to obtain funds from foundations for research, the publication of a history of the black press, and orientation and guidance for our new and weaker newspaper members."

This long-standing NNPA practice is beginning to meet with substantial opposition, expressed, in part, in a June 15 letter to Reeves from Rep. Charles Diggs (D-Mich.) chairman of the House subcommittee on Africa. Diggs asked the black publishers to reject the donation from Gulf Oil because its "investments in Angola provide income to the Portuguese government that can be used to wage war against Africans who seek self-determination in Angola, Mozambique and Guinea-Bissau." Diggs pointed out that Gulf, which earns more from its investments in the Portuguese-administered territories than any other American company, paid nearly \$50 million in royalties and taxes to the Lisbon government.

Diggs won a partial victory. For the first time, NNPA turned down Gulf's money although it allowed Fred S. Schwend, president of Gulf Oil, U.S.A., to present its publisher-of-the-year award. "We have always had a friend in the black press," declared Schwend, not at all inaccurately. The friendly treatment accorded Gulf by black newspapers and magazines was described in *Cause*, a defunct Los Angeles-based publication which used to serve as a supplement to black newspapers. According to the unsigned article, "Gulf Oil Lives its Minority Relations Day by Day" (July, 1972), "more than 5,000 stories favorable to Gulf Oil have appeared in the black press since 1961." The piece, which reads suspiciously like a publicity handout (efforts to locate the author proved fruitless), recalls a more hostile period during the early days of the sit-ins, "when Gulf suffered from a legacy of prejudice. The corporation had too few Negro employees... In Tennessee... Gulf stations among many white businesses in two counties were refusing to sell to Negroes who registered to vote. Other adverse reports were appearing occasionally in the black press." Consequently, the corporation began what Rep. Diggs calls "an effort to ingratiate itself with the black community."

As *Cause* put it, "In order to make friends with both Negro leaders and rank and file, Gulf set out to involve itself more extensively in Negro community life. The corporation joined annually in co-sponsoring the annual All-Sports Jamboree of the 100% Wrong Club, conducted by the Atlanta



*Daily World* to honor Negro athletes... Gulf participates in more than 100 Negro functions yearly by funding receptions, dinners, luncheons, hospitality rooms, advertising in programs, or giving prizes for scores of other groups. This form of support was supplemented by the presentation of suitable awards to Negro professional, civic and athletic leaders... More than 1,400 stories have treated Gulf's involvement in Negro community affairs... Gulf's marketing executives report that the program has substantially increased its sales to Negroes and its share of the Negro market."

Despite the enormous public relations effort, black opposition to Gulf, as well as to other corporate investors in southern Africa, is increasing. A Boston group, the Pan-African Liberation Committee, is organizing a national boycott of Gulf which has the support of such prominent blacks as Gary, Ind., Mayor Richard Hatcher, the Rev. Ralph Abernathy, actor Ossie Davis, Representative Diggs and eight other members of the Congressional Black Caucus. A full-page "Boycott Gulf" ad appeared in the August issue of *Ebony Magazine* and was signed by 56 scholars, writers, activists, community leaders and politicians. (But the magazine's editors apparently took no stand themselves. Two full-page Gulf Oil ads were carried in the same issue.) The rather moderate National Urban League passed a resolution at its 1972 convention asking U.S. corporations to "reconsider" their investments in southern Africa. The United Church of Christ voted this year to strongly condemn Gulf. "Gulf is pointed to especially because it began to make its contribution to Portuguese strength just at the moment when Angolan liberation movements were seriously challenging the Portuguese control of Angola," explains a UCC publication, "U.S. Business and Southern Africa."

Ultimately, there will be a push to make black publications reject ads from investors in southern Africa, though no spokesman or organization has publicly demanded this up to now. However, a collision course with the black press seems clear because the anti-Gulf, anti-southern Africa campaign comes at a time when black publications are demanding more advertising from corporations like Gulf Oil, Ford, General Motors, Mobil Oil, IBM, Atlantic Richfield, Bethlehem Steel and Union Carbide, all of which are heavily involved in southern Africa.

Dr. Carleton Goodlett, incoming NNPA president and a signer of the "Boycott Gulf" ad in *Ebony*, believes a direct confrontation between anti-investment forces and the black press is likely unless another means of support is found. Goodlett, a West Coast publisher (*San Francisco Sun-Reporter* and half a dozen other weeklies) points out that black-owned media received less than two per cent of the estimated \$20 billion total media advertising placed last year. "Maybe it's time for the militants to join forces with national organizations like the Urban League, NAACP and the organized black church and back the black press by demanding a certain share of the advertising budget of big business," he says.

Ironically, the black press, under attack for its reliance on multinational corporations, is also frequently criticized for its lack of coverage of African and Third World affairs. Neither the Johnson publishing empire, the Afro-American papers nor any of the other black chains maintains an African bureau.

—FRANCIS WARD

## Corrections

In Bob Kuttner's piece on the National Press Building last month ("Washington's Vertical City

Room"), Jim McCartney was incorrectly identified as Washington bureau chief of the Knight Newspapers. That post is held by Robert Boyd. McCartney is a correspondent in the bureau... Kuttner also reported that *Paris-Match* had moved out of the building. He has since discovered that the French magazine merely moved to different space on the premises and that the "mysterious *Match* girl who used to appear in the elevators, cameras around her neck and a rose in her teeth" was only on vacation.

## (LETTERS)

### Friends of IBM

The article in your September issue about IBM's press relations ("How IBM Spindles The Media") calls for some comment. It contains two distortions which, if not corrected, might seriously mislead journalists. Perhaps the distortions could have been avoided if the writer of the article had bothered to ask IBM for an interview.

The author mentions "one of a number of reporters who insist IBM keeps a dossier on journalists and rates them as being hostile or sympathetic to the company" because our press relations people could recall earlier requests for information. The author goes on to say "I found no hard evidence that such dossiers exist..." The reason he found no hard evidence is that such dossiers do not exist. If a reporter calls us for information, we put the question and our answer on file for a record of our reply. But we do not keep a dossier on journalists and rate them as hostile or sympathetic.

Another distortion that calls for correction is a quotation lifted from a magazine article about IBM. In that article, the reporter makes a passing reference to "Big Brother" and says that he was never left alone at IBM. The writer of that piece was taken to at least five different IBM locations for visits and interviews. When a reporter visits us, we treat him as a guest and we escort him around the locations as a courtesy. For a reporter to interpret this escort as a "Big Brother" effort to follow him into every part of the location is pitiful.

Our best defense against the other charges in your article is the actual record. Our objective at IBM, in working with the press, is to respond to all inquiries as promptly and helpfully as we can, while protecting the interests of our stockholders, employees and customers. At Corporate Headquarters alone, we answer more than a thousand inquiries from the press each year, and we arrange for numerous interviews with IBM people at many levels. Obviously, no one is perfect. But we believe that most people who come to us for information or interviews get the information and assistance they ask for.

What your article does provide is a useful view of how some others see us. We appreciate those perceptions and hope we will be able to use them wisely.

—J.R. Young

Office of the Director of Information

I.B.M.

Armonk, N.Y.

As a former "journalist" who helped Tom Watson, Jr., nudge I.B.M. press relations into the 20th Century, I am amused at the petulance of press types who, while demanding "absolute immunity" from revealing sources (or non-sources) of their own information, complain if a company is reluctant to let down its corporate pants for the intimate inspection of every business-baiting media

hack.

It was my experience, as I.B.M.'s senior flack for 22 years following World War II, that no matter how available personnel and data were made to the media, writers, with a few notable exceptions, were more interested in rewriting historical references to song books and stiff collars from early issues of *Fortune* and the *Saturday Evening Post* than in crediting contemporary I.B.M. with policies under which 99 per cent of its employees could work with pride while enjoying exceptional professional satisfaction.

Nevertheless, despite the less-than-objective slant of some essays about the company, and despite the wistful and wishful surveillance of the Anti-trust Division of the Department of Justice, I.B.M. maintained a liberal policy towards the news media—far more liberal, I suspect, than a writer for [MORE] would encounter if he set out to interview editors, publishers and the "working press" for an investigative series entitled: THE FREE PRESS and the FREeload.

H. T. Rowe, Sr.  
Ridgewood, N.J.

### Defending the Club

... As the elected treasurer of the National Press Club I do indeed resent seeing the Club used for partisan political purposes ("Washington's Vertical City Room"—September, 1973).

Some emotional types who don't take the time to come to the Press Club when we are engaging in professional activities—holding press question lunches for Golda Meir, Ms. Gandhi, Willy Brandt, etc.—got the Club board of governors last year to agree to issue a public report on the eve of the presidential election attacking the Nixon Administration.

Wiser heads prevailed and the Club's professional relations committee backed off. Instead of issuing a blast at the Nixon Administration just before the 1972 presidential election, the committee decided to complete its "professional" study and issue the report after the election.

Trouble was, the zealots lost interest when the election was over. A local university professor stepped in and did the report with some student help.

I knew that I was not alone in feeling that any Press Club survey of this sort should only be done by members of the press.

In the end, the Press Club Board of Governors voted to chastise the board's committee for its handling of the "report." Four members of the board including myself voted against accepting the report, mainly on the basis that it was not really done by members of the press, let alone members of the Press Club.

As for the somewhat belated charge that I spoke with Ken Clawson of the White House during the preparation of the report about the "politics" involved, indeed I did.

During a conversation with Clawson—unlike those who made the survey, I am a newspaper man covering the federal government and that requires talking with administration spokesmen—I told him that while the committee had lost interest in doing their [sic] own survey after they were forced to keep it out of the 1972 presidential campaign, there probably would be a report issued and that I and some other members of the board of governors still could not see how this was the business of the Press Club...

—George A. Embrey  
Secretary-Treasurer

National Press Building Corporation  
Washington, D.C.



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